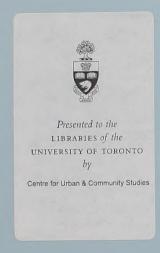


Federal Land Management in the Toronto Region



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FEDERAL LAND MANAGEMENT IN THE TORONTO REGION

A report for ministerial consideration

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STEPHEN G. McLAUGHLIN CONSULTANTS
JUNE 30, 1987



ACKNOWLEDGEMENTS

The consultant would like to acknowledge the support and advice of the many Federal, Provincial, Metropolitan and Civic officials in the preparation of this report. In particular, I would like to thank Larry O'Toole, Executive Director, and William Roberts, Director, of the Bureau of Real Property Management of the Treasury Board.

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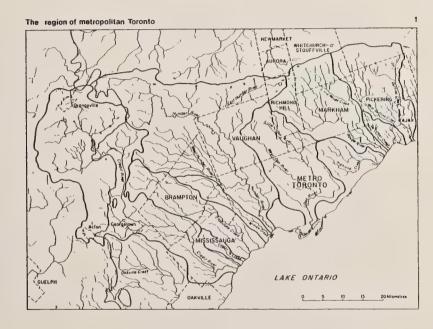
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FEDERAL LAND MANAGEMENT IN THE TORONTO REGION

(1) INTRODUCTION

This report includes options and specific recommendations for more effective management of Federal lands and proposes solutions of generic real property management issues which have national implications. The strategy and recommendations are developed within the current policy framework that Federal real property "be managed so as to maximize the efficient provision of government services and the economic use of Federal property while taking into account broader social, economic and environmental objectives".

This report attempts to minimize the syndrome whereby continually reassessing national priorities prevents problem solving on a local or project basis. The continual tension between national and local, as well as between policies and projects has to be acknowledged. It is also recognized that Crown corporations have very specific and strong powers with respect to their mandate and their real property obligations, and that the Government of Canada should be reasserting or at least reassessing a more comprehensive and strategic corporate management approach with respect to real property. It does not appear to be in the Government's real property interests to declare that when it comes to Crown corporation decision making, this is a matter beyond the interest and control of the Government. Accordingly, Crown corporations are included in this strategic management review.



(2) APPROACH AND REPORT STRUCTURE

The study includes consideration of <u>all</u> Federal lands held by departments, agencies and Crown corporations within the region of metropolitan Toronto (See Fig. 1). It takes into account the existing legislative and jurisdictional framework of Federal organizations and the existing accountability framework within which Crown corporations operate.

Strategic management objectives for major Federal lands are identified. These objectives are evaluated in the context of other Federal objectives (efficient provision of government services, economic use of Federal properties, and social and environmental objectives).

Opportunities for co-ordination within the Federal Government and the other governments are identified. The study suggests solutions for individual projects and agencies, respects the legislative framework, and avoids conflict with the ongoing process. Consultation with affected agencies, departments and other governments was carried out to the extent possible within the limited time frame.

The approach responds on an urgent and strategic level to land management issues that were identified. The Government of Canada has over 140 properties in the area, many of them of high profile, and high value.

It is not intended that this report will answer all questions for all problems, but it does set out the fundamental issues and framework, draws conclusions, and makes recommendations for action and further study. The report attempts to build solid management techniques, based on concrete management objectives, to produce realistic management proposals. It recognizes that what is required is more substance, not more process.

Federal Objectives - Philosophy or Political Reality?

The essence of this study is to define what the real Federal interests are in Toronto, and then turn them into a "corporate plan". It is important to acknowledge the tension between a theoretical description of Federal authority (in both the historical and contemporary context) and match that with the day-to-day political realities; the tension between regional ministers and line ministers; between a philosophy of devolution and effective management against the reality of local visibility and political credit; between policies and projects and between local solutions and national perspectives. The civil service is seen as a key actor in line departments, central agencies and Crown corporations.

(3) STRATEGIC MANAGEMENT FRAMEWORK

i) Introduction

The history of government use of land has been chaotic. To put a strategic planning model together to make it all "work" is, to say the least, a dramatic task.

Initially, land was acquired for a purpose. Governments are land holders because they required land for a public purpose or they were delivering a service. The British North American Act and the new Constitution of Canada made the ground rules very clear. The Federal and Provincial Governments had specific responsibilities. None were left solely to the private sector because, for a variety of reasons that are basically the cornerstone of the country, government has encouraged and led. This sense of purpose, while never articulated, has led to government ownership of properties in cities that are significant in an urban context.

The result, obviously, is that the two senior levels of government have major land holdings. In some cities they are critical, in others less so. However, if one looks at Canadian cities the Federal and Provincial lands are often strategic to municipal growth and redevelopment.

For years, Federal lands were handled in a state of absence of mind. There was a process that made the function more important and a vertical stratification of departmental activities. The "Real Property" study as a part of the Neilson "Management of Government" Task Force has chronicled the confusion

surrounding Federal land management but did not analyze the root causes.

To report on the strategic management of land, the context of the present environment needs to be established. Fundamentally, the first real attempt to make the Federal Government recognize the impact their land management had on cities came through work in the early 1970's by the newly created Ministry of State for Urban Affairs. This was the first explicit "Federal Land Management Study". No one had thought in those terms before. It created havoc as Public Works Canada saw their role diminishing and other Ministries, such as Parks Canada and Agriculture, saw it as life threatening. It did work, however, in raising the level of consciousness about the role of Federal land in city-building.

Actually, it worked too well. The Federal Government quickly began to doubt whether it should be involved in Municipal land issues at all. Ministers were under attack and, at that point, so were Provincial governments, by an aggressive set of Municipal politicians. The Tri-Level Conference of 1972 and 1973 (plus Ontario in 1975 and 1976) gave municipalities a taste of power.

This resulted in the general abdication by the Federal Government of control of strategic lands. The rush to create new agencies or corporations with Boards of Directors that could take the blame or the heat was unprecedented. In doing so, however, the governments created new problems. In many ways it recreated the pre-1970 period by putting unlimited authority

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in the hands of people who had neither pecuniary interest nor political accountability.

This is an inevitable outcome of the abandonment of public accountability. For example, everyone thought Harbourfront was a success until recently. Suddenly, it's seen by many as a problem. Many were concerned much earlier but politicians had built a "fire-wall" between them and the public.

The Federal Government should re-establish a sense of purpose and maintain both responsibility and accountability. It means politicians have to become engaged again and rules have to be worked out.

Senior level intervention saved the Halifax waterfront. Their role in the Saint John Market Square, the ports in Quebec City and Montreal, Toronto's waterfront including Ontario Place, Winnipeg's Forks and East Yards, and so on - right out to Granville Island - must not be underestimated. Interventions can take a variety of forms - some more support oriented than others - and must be tailored to the particular province and city.

Senior governments can make bold and major moves, and should not be discouraged. They must, however, be responsible and accountable for their actions. The objective is to put a process in place that will involve all levels of government, as appropriate, in the management of public land - trusteeship is the priority.

One does not solve a bureaucratic problem by creating another bureaucratic organization. It may be politically convenient,

but only for a while. It may be convenient, but is abdication. The process must not be removed from those who must be accountable, the politicians.

ii) Opportunities and Constraints

Within the study area, there is considerable land that is underutilized and may be disposed of, or uses consolidated to make more effective use of land and operations. There are also some strategically located parcels that should be evaluated in a broader context. Some of these are discussed in Section 4.

- Opportunities exist for the Federal Government through a co-operative process with other levels of government.
- An intergovernmental policy and the appropriate coordinating and implementation mechanisms for an improved management of land - on a project basis, as well as an overall area - is possible.
- Opportunities for sale, transfer to other governments and public joint venture are available.

Difficulties and constraints can be identified. For example:

- Lands have been sold without an overall Federal policy or vision.
- Various departments, agencies and corporations, such as CN, CBC, Harbourfront, THC, CPC and DPW are all working independently, and within their "own" narrow policy framework. This forces the Treasury Board to resolve conflicts

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without an overall strategic management framework.

- Policies of other levels of government may be in conflict.
- Achieving the agreement with other levels of government is often difficult.
- Financial restraints short and long term.
- Policy changes and emphasis placed by different Ministers make coordination complex.
- Current land management process lacks authority to implement more efficient use or disposal recommendations.
- Federal Government machinery is too complex for day-today land management.
- Federal Government politicial system is far removed from day-to-day political dynamics of land development.

Strategy and recommendations are developed in the context of the Federal Land Management principle that land should "be managed so as to maximize the efficient provision of government services and the economic use of Federal property while taking into account broader social, economic and environmental objectives". It acknowledges the current policy which excludes autonomous Federal agencies.

iii) Efficient Provision of Government Services

Historically, the primary reason the Government owned land was to facilitate the delivery of services. Land management considerations that affect delivery of Government services include:

- Effective Program Delivery understanding of competitive environment. Can other governments, non-profit agencies or the private sector provide for more effective program delivery?
- Reduced Operating Costs as a corollary of deficit reduction, the Government may be "paying for" a service through the back door even though it might have sold land through the front door.
- Intergovernmental Co-ordination will this help or hinder?
- Clarification of Roles it is essential to understand the chain of command, particularly as management systems and organizations become more sophisticated: at arms length - joint ventures, Crown corporations, etc.

iv) Economic Use of Federal Property

In its pure form this objective would lead to efforts to exploit the maximum financial return from each piece of property. In practice there must be constant trade offs. Key economic considerations include:

- Highest and Best Use.
- Consolidation are there economies of scale which would also minimize duplication by consolidating facilities, thereby simplifying operations and freeing up surplus lands?
- Divestiture To the extent that the Government of Canada

can divest itself of many properties and operations that would be seen as an advantage. Divestiture may be to other levels of government, non-profit agencies or to the private sector.

v) Social, Economic and Environmental Issues

A government in both its program decisions and its investment decisions operates in an environment of multiple objectives. Broad horizontal goals frequently inhibit the optimal program or investment decision; at times they take complete precedence. Some of the key policy areas affecting land management strategy are:

- Trusteeship the paramount requirement for the Government or the Crown to manage public lands for the benefit of all Canadians. It focuses on those aspects that one would expect and demand of government.
- Intergovernmental Relations particularly in the area of real property, jurisdictions, powers and interests of all levels of government are critical considerations. It is a general objective of the Government to maintain good relations, to be seen to be co-operative and to enlist support for one's own initiatives. It is easy to say "no" but difficult for all to say "yes". A list of Provincial, Metropolitan and City real property interests is found in Appendix B.
- Environment The Federal Government has a variety of environmental programs which must be considered in the strategic real property management objectives. Such

interests as water quality, water level control, climate studies, as well as air quality and pollution control are monitored and assessed in the context of the Federal real property assets. These interests will gain in importance, particularly as they affect the waterfront.

Heritage - The Government of Canada, the nation's largest single landlord of historic buildings, has adopted a policy to protect the heritage character of Crown-owned buildings. This objective is achieved by identifying and evaluating its heritage properties and by monitoring a register of Federal heritage buildings.

The Federal Government encourages the conservation and continued use of heritage buildings. In addition, attempts have been made to encourage other levels of government and the private sector to conserve their own heritage buildings. Protection is provided to those Crown-owned buildings with a heritage designation and an attempt is made to provide protection to those buildings which leave Federal Government ownership.

The Federal Heritage Policy is established under Section 5 of the <u>Financial Administration Act</u>. It applies to those departments and agencies listed in Schedules "A" and "B" of the above said Act. The Minister of Environment and the Minister responsible for the National Capital Commission (under authority of the <u>National Capital Act</u>) are responsible for establishing the criteria and process

for the designation and protection of Federal heritage buildings.

The Heritage Policy establishes the principles and procedures for the preservation of heritage property. The policy applies to all Crown-owned real properties of 40 years of age or older. All structures across the country are to be identified by the Federal Heritage Buildings Review Office for designations as either a "classified" or "recognized" heritage building.

The Federal Heritage Buildings Review Office is an interdepartmental advisory body responsible for implementing all aspects of the Heritage Policy. A heritage building is defined as any Crown-owned building that has been designated as either "classified" or "recognized". A "classified" heritage building has the highest heritage significance and must be protected, whereas a "recognized" heritage building has the second highest significance and its protection is encouraged.

Once a building has been designated as either "classified" or "recognized" according to its historical, architectural or environmental value, it will be entered in the Federal Heritage Buildings Register. This register is an official list which includes the building's name and location, a precise description of the heritage characteristics, and the reasons for it being designated as heritage.

As was previously mentioned, all Crown-owned structures of 40 years of age or older will be reviewed as potential heritage properties. The priorizing of buildings is established by those buildings which have an intervention planned. An intervention can be defined as any action that may affect the heritage character of the building, such as a renovation, demolition or disposal.

Currently, only four potential heritage buildings located within the Toronto region have been submitted to the Federal Heritage Buildings Review Office. Two of these buildings were designated as heritage. The PWC-owned Dominion Public Building, located at 1 Front Street, is designated as "classified". The RCMP-owned Walnut Hall Apartments, located at 106-110 Shuter Street, is designated as "recognized".

In comparison, the Toronto Historical Board has included many Federal properties in the City's inventory of buildings having architectural and historical importance. These are as follows:

Fragment of Post Office - 22 Adelaide Street East
City Delivery Building - 40 Bay Street
Fort York Armouries - 660 Fleet Street
Dominion Public Building - 1 Front Street West
Ecology House - 12 Madison Avenue
Postal Station "G" - 765 Queen Street East

Walnut Hall Apartments - 106-110 Shuter Street (R.C.M.P.)

Postal Station "K" - 2388 Yonge Street

Canada Malting Property - 5 Bathurst Street (Harbourfront)

Crosse and Blackwell Building - 545 Lakeshore Boulevard West (Harbourfront)

Joy Oil Station - 575 Lakeshore Boulevard West
 (Harbourfront)

Terminal Building - 207 Queen's Quay West (Harbourfront)

Former John Street Railway Gatehouse - John Street (Harbourfront)

CN Property - 190 Old Weston Road

CN Property - 1550 St. Clair Avenue West

Toronto Terminals Railway Building - 61 Front Street
West

Eglinton Hunt Club - 1107 Avenue Road (DND Staff School)

The guiding principles contained in the policy of Federal heritage buildings states that governments have a responsibility to act as custodians of the heritage buildings under their jurisdiction. And that between governments, as well as within any government, harmony of policies and programs that affect heritage buildings is of fundamental importance. However, the policy also states that

the Government of Canada will only take into consideration local, regional and provincial policies and priorities in making decisions about Federal heritage buildings. It does not state that the Federal Government will abide by the heritage designations of other levels of government. This lends itself to a potential problem situation as there has not been a vehicle developed to deal with a conflict when it arises between another level of government and the Federal Government. This was the case with the property commonly known as Ecology House at 12 Madison Avenue. The City of Toronto included this property on its heritage list, but the Federal Government declared the building as non-heritage.

Clearly, further study is necessary in this area to determine how to resolve conflicts over the protection of heritage buildings.

<u>Economic Development</u> - Strategic management objectives must consider the impact on the promotion and retention of economic development, investment and jobs within the community, regional and national context. It is also most important that the Federal Government increase and maintain confidence within the investment community with any land management strategy.

vi) Strategic Management Conclusions and Recommendations

There are many ideas on the potential for a comprehensive

land use strategy for Canadian cities. For example, land banks have been proposed and the Federal Government adopted a "Federal Land Use Management Strategy" in the mid-1970's. None have succeeded because they have been either unacceptable politically or they conflicted with the bureaucratic process. A system that will enable the senior levels of government to cope with the fact that they are significant contributors to urban life in Toronto and other cities and that their decisions have an enormous impact spatially as well as economically is required.

- Land management is a most difficult task for senior levels
 of government to face. Cities deal with it on a day-to-day
 basis as a major part of their mandate it is their political and economic "engine". However, it is only one
 function of a program for the other levels of government.
- PWC, Treasury Board and the Provincial Ministry of Government Services are administrative, not policy making bodies.
 They are not equipped or encouraged to be interventionist or "developers".
- Passive land management is equivalent to abdication and the senior levels of government have demonstrated that they are at best trustees rather than managers of the land.
- 4. There has been a debate for many years on the role of the senior governments in cities. The senior levels of government have often been creative at a policy level

- usually over the objections of the local councils but have been poor managers.
- 5. The trend toward Crown corporations and the goal of self-sufficiency has led to a problem whereby the senior levels set up conflicts with the municipal control system. The result has been classic "adhocracy". Each problem has been solved with a great deal of difficulty or not solved at all.
- 6. Neither PWC nor the Federal Treasury Board are equipped to be sensitive land managers. The BRPM is too new to evaluate. The same scenario is generally applicable to the Provincial governments of Canada.
- 7. The use of Crown corporations with a private sector Board of Directors has become a means whereby land can be managed without apparent consequence. If something does not work no one is to blame. The problem is that while this system avoids the sterile and cumbersome mechanics of the senior levels of government, it can get entirely out of hand. In certain circumstances, Crown corporations can develop without the usual municipal controls or even political controls.
- 8. The Neilson Task Force Report suggested devolution for Federal urban development projects. This must be evaluated on a case-by-case basis. Cities, such as Toronto, run a remarkable parks and recreation system but no city has led major public redevelopment by itself, because the

structure of government in this country almost prohibits it. Toronto's St. Lawrence development is an interesting example in this area. It was unique for its time and it was housing-oriented. But it could not have been done without the political and financial support from Ottawa.

9. The senior levels of government are likely going to continue to intervene in cities in some way or another. The issue is how to make those interventions work for the cities involved. Strategically, how can these investments be channeled so that the public interest is properly served? Politically, there cannot be confusion in the definition of the public interest. Does public interest in cities get defined by the Municipal politicians, Provincial politicians or Federal politicians?

The issue is clearly that the lands held by the senior level of governments must be seen as part of a co-ordinated approach that will meet local government objectives while contributing to the constitutional and program responsibilities of the Federal and Provincial governments. There must be clear public responsibility and accountability. There must also be a forum through which the needs of each government are examined and, through consultation and the inevitable "trade-offs", a mutually satisfactory agreement is reached. It must be a political agreement that serves public policy purposes as well as economic purposes.

Recognizing that there is a distinct problem for the Provincial Government in this scenario, it is recommended that:

- The Government of Canada's interest in real property should be limited to areas in which it has either:
 - i) a constitutional interest,
 - ii) a legitimate service delivery function,
 - iii) a trusteeship obligation.
- The Government of Canada should divest itself of all land that does not meet one or more of these criteria. This divestiture should occur through intergovernmental discussion. Protection and enhancement of land assets should be considered as a sub-objective, not a sole objective, in the divestiture process. Disposal of land should occur after all levels of government declare it surplus for public purposes and then sale should proceed with clear public planning controls in place (i.e. under the Planning Act of the Province) and under strict land disposal controls.
- Small, policy driven Federal/Provincial secretariats, appropriate to each major urban region should be established that will coordinate the management of Crown Lands.

(4) ISSUES

i) Intergovernmental

The emerging strategic management objectives of the Federal Government for real property, with particular regard to land development, must coexist with the objectives of other levels of government. Each level of government functions at a different rhythm and works to a different calendar of events. (See Appendix C)

a) The Province

A variety of Provincial issues that could have direct impact on Federal land management strategies have been identified. These include: land disposal, housing and infrastructure.

Land Disposal

- Federal authorities should join the Province (MGS) in its consideration of the future of their extensive land holdings, comprised of the proposed New Town of Seaton in Pickering.
- 2) The recommendation of the Provincial "Metropolitan Toronto Property Review" should be monitored very closely, especially its recommendations regarding the techniques and timing of property disposal in the Greater Toronto Area is concerned.
- 3) The relationship between the Toronto Region Land Strategy

and the Provincial agencies involved in the policy formulation for the disposal of Provincial properties in the Greater Toronto Area should continue and be strengthened in order to avoid a divergence of policies and disposal of real estate in the same geographic area. The Province has also embarked on a review of their land disposal strategy. (See Appendix D)

Housing

The Province has also discussed with the President and senior officials of CMHC the opportunity of a cooperative approach to provide underused public land for moderately priced housing. The Provincial Throne Speech of 28 April 1987 announced the Housing First Policy in which surplus Provincial lands would be made available for affordable housing. Given the absence of Federal policy to subsidize housing it was not possible to develop a Federal position at the staff level. However, the Province is interested in further discussions. It would be appropriate for the Government of Canada to pursue discussions in earnest with the Province, provided strong economic arguments could be developed. Affordable housing is a commonly agreed upon objective by all levels of government. The disagreements lie in the means to achieve it (supply vs demand) and the jurisdictions responsible. The Federal-Provincial Task Force on the Supply and Price of Serviced Residential Land (1978) analyzed the factors in the cost and price of housing. It demonstrated one thing - that all levels of government are actors in the house price dynamic, whether they like it or not, and all governments are in the housing business one way or another. If the Government of Canada set as a fundamental objective that their role would be limited to satisfying their public finance objectives only, and not attempt to satisfy social objectives directly, then discussions with the Province could prove economically fruitful and of benefit to society.

In the context of improved intergovernmental relations, the Covernment of Canada should enter into discussions to pursue areas of common interest. There are Federal lands that are clearly surplus to program needs and may be suitable housing sites. Joint Federal-Provincial feasibility studies should be done on a pilot basis, to determine the viability of a Federal policy shift.

e.g. - Surplus Pickering lands (adjacent to the 6700 acre Provincial land holding)

- Downsview Keele Street corridor
- Jarvis Street lands
- Postal Station "K"
- DND lands (Avenue Road)

Transportation

The Province has established a Strategic Planning Office under the wing of the Assistant Deputy Minister, Provincial/Municipal Transportation, Ministry of Transport. A significant review of regional land and transit infrastructure is now underway. This could affect the TTC 2011 plan, the Harbourfront Light Rapid Transit line, new highways, etc. Specific interests

of the Province also include: the use of Downsview as a new transportation gateway; Metro East expressway and Pickering; transit access to Pearson Airport; ferry and vehicular access to the Island Airport; transportation infrastructure in the waterfront. The Province plans the GO system and negotiates an operating agreement with the railways for the use of their tracks and trains. In addition to speculation as to where new GO lines might go, which could affect some Federal lands, the width of the rail corridor in the Railway lands is still not resolved. GO and VIA are competing for track capacity behind Union Station. This could affect the development potential for Canada Post, CN and CP.

Conclusion

It appears that of particular interest to the Province of Ontario is the need for improved coordination of planning and development of the waterfront. Given that Toronto is the capital city of Ontario, that they are the guardians of the city's welfare (by constitutional obligation), they have signigicant land holdings and are the major contributors to infrastructure improvement, it would follow that an aroused Provincial interest would have benefit to both the Federal Government and the local municipalities. This is discussed in more detail in Section 4 ii) d).

b) City of Toronto

Many of the urgent Federal issues which were identified in Toronto are of a very large scale and of great interest to the citizens, officials and political leaders. They have also received considerable media attention, and include: CBC proposal call, Toronto Harbour Commissioners proposal calls, Harbourfront, and Railway Lands. In particular, the waterfront has been on the City's planning and political agenda for some time. The City is also promoting the 1996 Olympics, with new facilities at the CNE and Downsview, and a possible World's Fair for the year 2000. The City would like to explore housing opportunities on surplus or underused Federal lands, e.g. DND property on Avenue Road, Postal Station "K" on Yonge Street, the Jarvis Street corridor.

Strategic management objectives for the Federal Government for real property will have limited value if they cannot coexist with the objectives of other levels of government. This applies particularly to land development, as the City has jurisdiction over land use planning (within the delegation provided by the Provincial Planning Act) and servicing, Metro and the Province plan, pay for and operate the major infrastructure (roads, expressways and transit). The City government is closer to the day-to-day political climate and deal-making; this makes them much more able to deal with real property and development issues.

The City is very sensitive to the Federal presence in Toronto, as it relates to the control, ownership and jurisdiction of the waterfront. It will fight to maintain its planning jurisdiction and looks forward to improved consultation to minimize conflicts. They seem to be prepared for new ideas of improved communication, co-ordination and responsibility. The Mayor has just published his "vision" of the waterfront, which stakes out a City position.

Assuming that the Federal Government wishes to maintain its policy of respecting local laws and process it must recognize the inherent conflicts with the the opposing Federal priorities of highest and best use with local concerns of overbuilding. The City would prefer to deal with one Federal "voice", on land matters, and the Bureau of Real Property Management should fulfill this function.

c) Metropolitan Toronto

Not unlike the City of Toronto, Metropolitan Toronto is also acutely aware of the Federal Government's presence in the waterfront. The particular concerns of Metro include the CNE grounds and the road and transit systems, most notably the Gardiner Expressway and a new waterfront transit line. They are currently negotiating with CN Real Estate for a 600,000 square foot municipal building on the Railway Lands.

They too are interested in discussing housing opportunities on Federal lands. The Commissioner of Economic Development

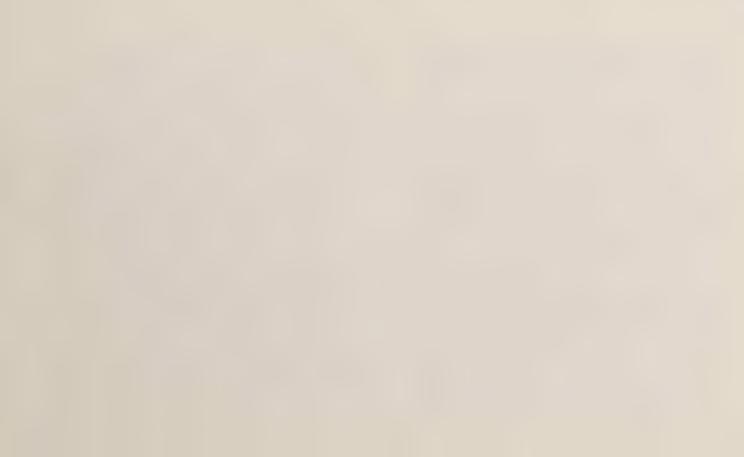
is assessing locations for the 1988 World Economic Summit and is particularly interested in a waterfront or Toronto Island venue.

d) City of North York

Meetings have been held with Mel Lastman, Mayor of North York, and Ken Stroud, the Commissioner of Property and Development, to review matters of mutual interest. They acknowledged the positive contribution of the Joseph Shepard Building at 4900 Yonge Street to their emerging City Centre. High on their list of concerns are the future of the Downsview lands and the resolution of the TTC Transit Plan for 2011, which is now before the Province. They are aggressively supporting the Sheppard subway line.

e) Regional Municipality of Durham

Preliminary discussions were held with Gary Herrema, the Regional Chairman. There are major Federal holdings and issues of concern which include the Pickering lands, Oshawa Airport, Oshawa Harbour and Whitby Harbour. He is looking forward to improved consultation with the Federal Government.





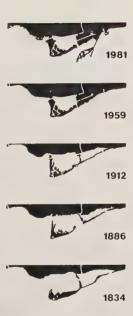
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The Waterfront

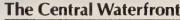
"The best manner in which Toronto's fine natural harbor and waterfront could be developed for the benefit of the city is a problem which has engaged the attention of the citizens from time to time, and what desultory and piecemeal fashion by various City Councils of the past. That the possession of a harbor almost without parallel on the Great Lakes should mean something, not only in the way of aesthetic development but also in the cold terms of dollars and cents to the fortunate municipality which owned it, has been always present in the background of the people's thoughts, and has been expressed occasionally by the men most directly interested. But this thought and its expression never until the last two years became chrystallized into definite action, and the city grew to its present prosperous condition with a population of 425,000 people with practically no assistance from its harbor.

During the year various incidents in connection with the harbor, which need not be particularized here, created a strong public feeling in favour of some progressive policy of harbor development. The matter was taken up in an interested and intelligent manner by the Toronto Board of Trade and the City Council, a plan was agreed upon...,"

Toronto Harbour Commission Plan - 1912.



CITY OF TORONTO WATERFRONT LANDFILL 1834 - 1981





CITY OF FORONTO PLANNING AND DEVELOPMENT DEPARTMENT MARCH, 1982

ii) The Waterfront

a) Background

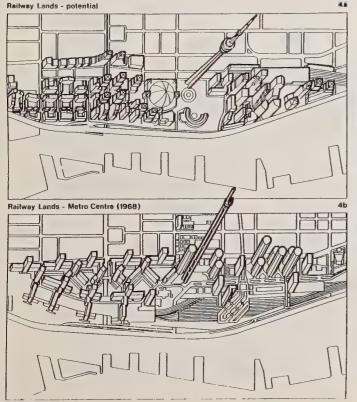
Toronto's waterfront has been everyone's, but no one's, business for over 150 years. Before Confederation it was a struggle between the railways and local government. After Confederation, it was a struggle among railways and all the governments.

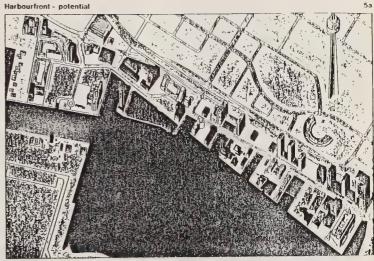
The struggle was over the concept of the lakefront as a natural public amenity versus transportation and commercial facilities. For example, in the 1830's, the City declared the water's edge (the Esplanade) as a public promenade. By 1850, the lake was being filled in and covered over with railway tracks and warehouses. It was almost 125 years later before public access was restored to the lake, with the creation of Harbourfront. (See Fig. 2)

In 1911, following a City referendum, the City and the Board of Trade petitioned the Federal Government to create a bold new plan for the waterfront by the establishment of the Toronto Narbour Commission. Since the 1830's, this was the second attempt by the governments of the day to create and implement a co-ordinated vision of the waterfront. After 50 years of ups and downs, the reduced function of the Port and financial woes for the Harbour Commission, the stage was set for the next vision which was set out by the Canadian National and Canadian Pacific Railways in 1968, on 200 acres of railway yards (Metro Centre). The Harbour Commission leased its railway

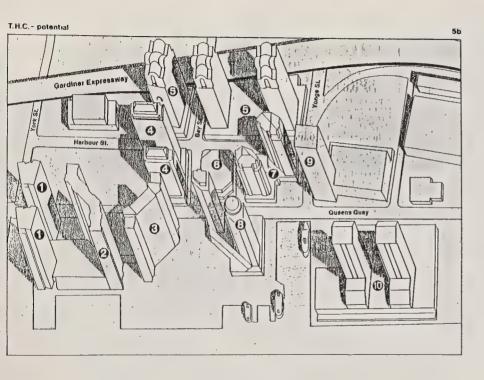
land to CP in perpetuity for development. This project collapsed in 1974 in corporate and political disarray. In 1972, the Federal Government announced the expropriation of 100 acres on the west side of the waterfront for an urban park. (App. T) By the 1980's, the City had adopted a Railway Lands plan. negotiated implementation agreements with the railways, and approved the design and construction of a dome stadium. CN, Harbourfront and the THC have embarked on major development programs. (Figs. 4 & 5) In January 1987, the City initiated a major review of the Harbourfront plan, and will be discussing their Central Waterfront Plan. In April, the Minister of Public Works announced a moratorium on all Harbourfront development, and a review of their role and mandate, in support of the City's review. In June, the City Council appointed three of its members to the Toronto Harbour Commission. The mayor recently announced the formation of a 4 level Intergovernmental Committee, chaired by the Premier of Ontario.

This history sets the context for today. Competition between recreational amenities and commerce, between public and private, and between all levels of government is not a recent phenomenon, nor are the difficulties of management of public lands, resources and money. Virtually all of the land surrounding the lakefront is, or was, public and is in the hands of the Federal Government, Crown corporations, THC, the Province, Metro or the City. (Fig. 5) Much of this public land has very recently been sold, leased or joint-ventured to the private sector without an overall Federal policy or vision. The Federal Government



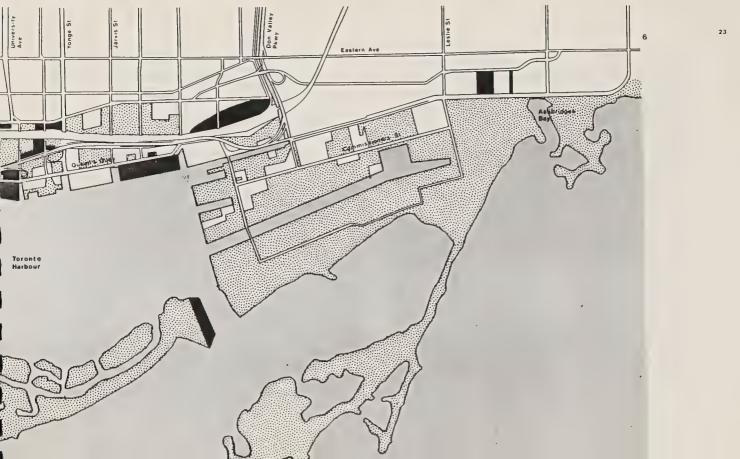


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still owns the bottom of the harbour and could theoretically create considerable value by landfill. Beyond the Federal properties in the inner harbour, there are major Provincial landholdings (Ontario Place, OPP and LLBO), and Metro landholdings (CNE) and the Gardiner-Lakeshore corridor that must be considered in any analysis.

This report also deals with the effective management of Federal lands in the total Toronto waterfront context.

The relevance of the strategic management objectives to the specific situation of the waterfront are discussed. Trusteeship plays a major role, intergovernmental relations are vital (all levels have a de facto "veto" power) and, for some agencies, program delivery concerns rank high. Key strategic principles from the Federal perspective are discussed in a manner which is practical to implement and readily explainable to the public. Analysis is made of the degree to which highest and best use would be compromised in the pursuit of other objectives.

Harbourfront Corporation as a land management company is a special case and, in a residual sense, the Toronto Harbour Commissioners is another because land today would appear to be a bigger part of its business than port management, even though very little land is under Federal control. For other Crown corporations, areas where their natural corporate interests could be expected to run counter to the priorities

recommended for Federal strategy in the waterfront are identified, giving due regard for Municipal and Provincial jurisdictions which effectively control the zoning and servicing for such corporation's lands.

Management options are considered:

- 1. Status quo;
- 2. Intergovernmental consultation and co-ordination processes;
- New corporate models joint ventures, privatization, sole authority, etc.

Physical opportunities are also considered:

- Density/asset and reallocation;
- Infrastructure relocation;
- Land creation;
- Use reclassification.

b) The Entities

Harbourfront Corporation

Owner:

Harbourfront Corporation manages the land on behalf of the Crown. A number of properties have been sold to developers for condominium developments. Several have been conveyed; others are pending Federal approval.

Location:

Along the lakefront between York Street and Stadium Road, immediately south of the Gardiner Expressway. This large parcel is divided into five quays - Bathurst Quay, Spadina Quay, Maple Leaf Quay, John Quay and York Quay.

Area:

45 hectares (110.5 acres), including waterlots and the Queens Ouay Terminal Project.

Use:

A mixed use waterfront area which integrates public places with residential, commercial and institutional uses.

Status:

The Federal Government announced the intention to acquire the Harbourfront lands on October 17, 1972. From that, the Harbourfront Corporation was set up (June 1976) and the Development

Framework was released (October 1978). A Management Agreement between Harbourfront and the Crown was signed in June 1980 and the Master Agreement between Harbourfront and the City was signed in December 1982. The Ontario Municipal Board approved the Harbourfront Official Plan and Zoning By-Law on December 10, 1982. In February 1987, Mayor Eggleton and City Council announced a Harbourfront review. On April 15, the Minister of Public Works announced a moratorium on all outstanding Harbourfront developments and a policy review of Harbourfront's role and mandate. It is anticipated that both these reviews could be complete by the end of September.

Institutional And Physical Contect:

Harbourfront Corporation controls only a part, albeit a significant part, of the Toronto waterfront (45 hectares out of 1250 hectares). It must recognize two other constituencies in addition to its own consumers and development partners, and these are accountability to the public and respect for its neighbours.

- Harbourfront is ultimately responsible and accountable to the people of Canada through the Government of Canada via the Minister of Public Works; and
- 2) Harbourfront must consider their neighbours on their boundaries, the Canadian National and Canadian Pacific lands to the north, THC lands to the east, and Metro lands to the west. They are only a small part of a larger waterfront.

It would be pointless in this report to discuss the achievements of Harbourfront (of which there are many) against their perceived shortcomings. The current reviews of Harbourfront by the Minister of Public Works, will provide a detailed analysis of all aspects of Harbourfront including policy and role, financial and business practices review and physical development. In addition, a third review is being carried out by the Board of Harbourfront and their consultants. It is necessary, however, to draw out the key themes and lessons learned to date in order that they can be applied to strategic management objectives of the Government of Canada generally and to the water-front in particular.

It is still believed that the 1978 Development Framework was a sound "physical" concept for the Harbourfront development even though it was put in place without a Railway Lands plan or a Central Waterfront plan. It appears that the achilles heal has been the financial plan and the objective of self-sufficiency in seven years.

Much of the innovation at Harbourfront has been successful, some has not. For example, the innovation of the joint venture agreements creates questions of accountability, liability and control. It makes it very difficult to understand the true financial picture. The concept of "innovative public/private joint ventures" is full of smoke and mirrors. It touts innovation and allows the wily to achieve results which may not

be in the public interests. The Master Agreement was an innovative attempt to marry Federal and local objectives and laws. This agreement has been broken many times. The seven year self-sufficiency objective became the prime objective which propelled the development decisions at the peril of the extra public interests. The financial relationsip between the public subsidy for programming and culture and the need for major private development projects is unclear.

A second major weakness is the planning approval process adopted by Harbourfront and the City. The approval process that was created was intended to stimulate creative solutions. It was "innovative". It recognized that the Official Plan and Zoning densities were substantial (they were amended by the Council and Ontario Municipal Board) but it was assumed that these densities with innovative planning controls, urban design and architectural innovation could be handled, and that forty acres of open space could be achieved. The Official Plan and Zoning By-Laws were linked directly with the Master Agreement between the City and the Crown which established an implementation process based upon negotiations for sub-area plans rather than a clearly structured development or master plan. These negotiations were expected to be held in good faith but in approximately 1983, in its relentless pursuit of self-sufficiency, Harbourfront moved away from a negotiated process into an adversarial one, moving inextricably towards an unacceptable form of development and maximizing the density provisions of the Official Plan and Zoning By-Law, and even going to the Committee of Adjustment to extend to the ultimate maximum development potential. No sub-area plans were presented, or approved, only "sub" sub-area plans. Densities were shifted and forty acres of park became whittled down resulting in a new agreement on parks in a significantly reduced form. Even that has not been achieved to date.

The Government of Canada should not have to be responsible for the failure of a local process and result and should not require a Federal "fix" for a local "failure". That argument is legitimate but only to a point. This is land owned by the Government of Canada and managed by one of its agents, and legal agreements with the City were broken.

It would be interesting to contemplate what would have happened if the Government of Canada had turned all of the land over to the private sector (one or many owners) in 1972 after it had been expropriated and assembled, after it had applied very strict public controls in terms of acceptable planning, density, design and open space requirements through the city. It is quite conceivable that the physical results may have been improved. A percentage of the development profits could have been identified for a cultural endowment. The private sector would have used its energies and rationale for achieving its financial objectives with the respective governments receiving their financial returns in the form of taxes. The people of

Toronto might have their parks without "Ford Has a Better Idea" in every corner. Accountability would be clear. The concept that you can run a public enterprise primarily through public relations, media pressure, political management and financial concepts prepared like promotional hoopla is an unacceptable use of public funds, public process and public land.

The strategic management objectives and framework which are set out in this Phase II Report includes Harbourfront. It is essential that Harbourfront fit within the larger picture of Federal land management in general and in the waterfront in particular. It is clear that the moratorium on all development should remain until the reviews by the Minister of Public Works and the City Council are complete, and the public has had an opportunity to comment. The Minister of Public Works should also inform Metro Toronto and the Province of Ontario that no decision will be made on transfering land for the Light Rapid Transit line (LRT) until these reviews are complete. The need for a new plan for Harbourfront and the waterfront is discussed later. Conclusions and recommendations will be found in Sections (6) & (7).

Toronto Harbour Commission

Owner:

The Toronto Harbour Commissioners as established by the $\underline{\text{Toronto}}$ $\underline{\text{Harbour Commissioners Act}}$, 1912, and amended from time to time by Orders-in-Council.

Location:

Throughout the Central Bayfront, from Stadium Road in the west to Ashbridges Bay in the east. The THC holdings also include the Toronto Island Airport situated on Hanlans Point.

Area:

Approximately 1,000 acres (405 hectares).

Use:

A variety of uses including port, warehousing, industry, yacht clubs, general and commercial aviational use, open space and parking.

Status:

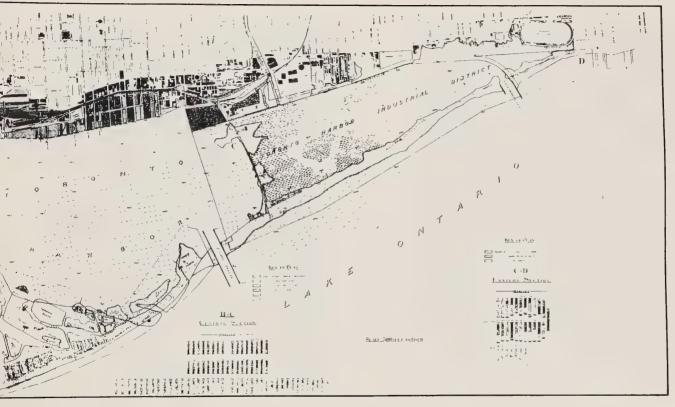
The THC was created in 1911 following a municipal referendum in 1910. The Commission includes three City and two Federal appointments (one upon the recommendation of the Toronto Board of Trade). The THC Act of 1911 is general with respect to its purpose other than to amend and consolidate the acts relating to the harbour of Toronto. They have the power to develop,

regulate and control the use and development of all land and property on the waterfront (subject to the Supreme Court decision on the Hamilton Harbour which restricts their zoning and land use powers which requires the THC to comply with local zoning controls unless the facilities are for port related or navigational uses). The THC can also acquire, expropriate, sell or lease real estate. It cannot, however, sell or lease any lands which were acquired from the Provincial or Federal Governments without the appropriate order-in-council. This is very important because in 1927 the affected lands were identified and in 1951, a significant amount of the central urban waterfront was released for sale by the Government of Canada. Another significant aspect of the Act is that any surplus profits shall be the property of the City of Toronto after management costs have been paid.

In 1912, a new waterfront plan was prepared by the THC and included 1950 acres of land (See Fig. 7). It was budgeted at \$19 million and included a new port on the eastern waterfront, parks and open space and recreational facilities on the western waterfront, and a mix of light industry and commercial facilities related to the port function in the central waterfront. The '20s, '30s and '40s were known for the very aggressive period of land fill and dock construction while increasing the debt to the THC. To retire the debt, the typical solution was to sell land. In 1927, their first budgetary surplus was noted and this is about to change. In the early







'50s, there was hope that with the new St. Lawrence Seaway that the port might finally become a major port. This has never happened. In the early '60s, 18 acres of land were sold for the "Campeau projects", at the foot of Bay Street. This project is still evolving. In 1968, the THC changed a provision in their perpetual lease to the CPR for the lands south of Union Station, by deleting the encumbrance "for railway purposes only". THC real estate transactions virtually sputtered to a stop in the '70s with constant City/THC disagreements over selling versus leasing, park land versus industrial development, and the need for a new waterfront plan. In the early '70s, the City set up the Central Waterfront Planning Committee (CWPC) to come up with a new Official Plan. The group originally consisted of seven members and rapidly grew to twenty-seven, as various interest groups asked to be included. The group disintegrated in the late '70s with no plan achieved. A new plan was put before City Council in 1982, but has been deferred, primarily at the request of the THC.

In the last few years, the THC has once again embarked on an ambitious development programme - calling for proposals, selling and/or leasing significant pieces of land. This has created new tensions with City Council who, on 15 June 1987, appointed three of its own Council members to the THC to ensure "control and accountability".

Discussion:

The THC has been constantly dealing with a dual mandate to

build and operate a major port - which has never really come to pass - and as a real estate developer. Their expansion of port facilities in the mid-1950s set them back a significant amount resulting in a debt of approximately \$25 million by the mid-1970s. Knowing that the opportunity for major port utilization and expansion was minimal, the Commissioners embarked on a vigorous and successful real estate program, led by Chairman Fred Eisen in the early 80's. It appears that the Commissioners had their minds in real estate while the THC staff believed that one day the port would be reborn and future port expansion should be planned for. This has created a stand-off in the eastern port area which is neither port nor development even though many development proposals have been received. As a result, it is home to many small canoeing and sail boat clubs on a year-to-year lease basis and old industrial operations. The major activity has been in the central harbour. The THC has proceeded to accept a proposal for the development of the World Trade Centre (seven acres) which includes land sales for condominium use and long-term leases for office buildings: four acres on the west side of Stadium Road for condominium development (a \$17 million land sale); and an outright sale of nine acres of land at Marine Terminal 27 for a residential/commercial project (\$24 million land sale). Also under construction by the THC is a 1200 berth marina at the foot of Leslie Street and serious consideration is under way for a 60 acre City of Toronto industrial park next to the marina. In the meantime, many industrial sites are coming up for lease renewals and relocations.

A significant policy vacuum exists with respect to Federal land management of THC lands. "Federal" land has and is being sold with the financial benefit accruing to the City, channelled through the THC. While recognizing that the Federal Government's relationship to the THC is extremely tenuous, but that it is the guardian of the THC Act, it is recommended that the THC Act of 1911 (amended 1925 and 1951 by Orders-In-Council) (See Appendix F) and the Government policy towards this Act be reviewed in the total waterfront context. This is a pressing issue. The Federal Government appears to have the guise of responsibility without much effective control. In recent months Orders-In-Council have been signed permitting the sale of lands on Stadium Road. There is a current Order-In-Council issue dealing with some small pieces of property to provide access to relocated yacht clubs on Stadium Road, as part of a major condominium project, and the Minister of Transport refused to get involved with a City Council request to rescind the 1951 O.I.C. for MT27.

I now acknowledge the urgency of a review on the THC lands. A moratorium on all land sales and long-term commitments on all THC land is recommended, and the Government of Canada should use its best efforts to achieve this objective.

In January, it was suggested that the Minister of Transport write to the City of Toronto to state that their non-intervention in the sale of MT-27 should not be viewed as a lack of

interest by the Government of Canada in the disposition of other THC lands or in the waterfront of Toronto. The City of Toronto's appointment of three members of Council to sit on the THC as their representatives represents a significant shift in the City of Toronto's interests and a signal that they are interested in more direct political control. City Council has in recent years been frustrated over their inability to control or direct the actions of their representatives on the THC. Even though the City representatives outweigh the Federal (three to two) all the appointed Commissioners take an oath of office in which they have to act in the best interests of the Harbour Commissioners, not the City nor the Government of Canada (see oath of office, Appendix G). The legal, political and practical effect of this apparent conflict has vet to be assessed. There could very well be conflicts between a city politician's need to be "responsive" to his ward constituents who elect him every two or three years - not to the longer term needs of a large port infrastructure.

Recently, the Parks and Recreation Commissioner for the City of Toronto, Mr. H. Pirk, presented a significant plan for waterfront open space, including Harbourfront and THC lands. This put into focus the ongoing debate over the failure to achieve significant public parkland at Harbourfront and parkland on the north shore to Cherry Beach. Cherry Beach is only on a short-term lease between the THC and City. It was also intended to set the stage for a comprehensive overview of public space

requirements on the waterfront. I understand that the Mayor is very supportive of this approach and will be encouraging the design and approval of a very specific public open space plan for the total waterfront. (See Appendix H)

The Neilson Task Force in its discussion of Harbour Commissions does not argue for any "national interest" for harbours. When the new Canada Ports policy was established the THC worked vigorously to be excluded. There are no statutory requirements for the Government of Canada to own ports. They can divest all or any of the ports if they so desire. The real question is whether the Minister sees that the THC is part of the "national ports system" and whether the Minister feels he must ensure the integrity and efficiency of this system and the optimum deployment of his resources. There appears to be no reason why the Port of Toronto should be considered of any "national interest". The Neilson Task Force also states "there is only a fine line to distinguish between public and private in the management of the Harbour Commissions' operations. Privatization of management would be a relatively simple matter, however, a port's return on equity is generally below the return of a comparable investment in the private sector". The Neilson Task Force suggests that Federal interests should be sold in as many as possible of the Harbour Commission ports but it does not deal with the reality that, if the Federal Government permits the Harbour Commission to sell their assets, the revenue goes to the Commission not to the Federal Government and profits go to the City. Unless the Order-In-Councils of 1925 and 1951 or the Act are revised this will be the case. The Neilson Task Force does not appear to deal with the real estate operations of Harbour Commissions beyond support functions for the port.

Conclusions

The THC's strength is in its idigenous character - it is directly accountable to neither the Federal Government nor the City of Toronto. However, accountability is a two-sided coin. Neither the Federal Government nor the City claims powers of authority so that politicians can say they are not responsible and have no control. This is unlike Harbourfront where the accountability, at least in law, lies directly with the Minister of Public Works. The difficulty is that although both the Federal and local governments participate, from a public policy point of view, there appears to be no political body clearly accountable. This is public/private innovation on a massive scale. It is known that the THC has responsibility for a port and also known that the port functions are relatively minimal and will be for the forseeable future, and that ports appear not to be a matter of national interest. What is of national interest is ensuring that the public trusteeship of the lands is acknowledged and that public accountability be clarified. The economic benefits or losses to the Government of Canada of land sales provided for in the THC Act must also be reviewed. The Government of Canada cannot ignore that the THC Act of

1911, and subsequent Orders-in-Council are its creations.

When the Act was established in 1911, it envisioned a port with wharves, dock walls and warehouses. The spectre of 40-storey condominium and office towers built on port land for Commission and City profit was not likely envisioned. It is a classic case of "mandate drift". The practical reality is that the Harbour Commission's real estate functions dominiate its port functions. This is an area of public policy concern and urgency.

The Federal Government should take the initiative and set the scene for a renegotiated THC Act and review of past Orders-in-Council. This should be put into the context of the Toronto waterfront land strategy and intergovernmental discussions.

Canadian National

Owner:

CN owns about one third of the railway lands which encompass a 200 acre site which is also owned by THC, CPR, Canada Post, Toronto Terminals Railways Company, the City of Toronto, and Metropolitan Toronto.

Location:

The railway lands development site is bounded by Front Street, Yonge Street, the Gardiner Expressway and Bathurst Street.

Area:

60 acres (24.28 hectares) - CN portion only. CN also owns approximately 32 acres of underused rail yards in the Parliament - Eastern Avenue area.

Use:

Includes railway yards and tracks, the John Street Pumping Station, parking lots, the City Delivery Building, Metro Convention Centre and Union Station.

Status:

The railyards are virtually gone now, leaving the main rail corridor to the north (owned by TTR) and the freight bypass to the south (CN hi-line).

CN Realty is a division of CN Rail. It does not have a separate corporate structure or board but is identified as a profit

centre within the CN Rail corporate structure. The railways - CN. Grand Trunk and CPR - have been very active in the development of the Toronto waterfront since the 1850s. In 1968, CN and CPR created a new development company called Metro Centre Developments Ltd. This development company was conceived as a corporate vehicle to develop on a joint venture basis the lands owned and/or controlled by these two railway companies. In broad terms. CN controlled the west half of the 200 acre lands whereas CPR controlled the eastern half, which was directly south of the financial core of the City of Toronto. The concept was to pool their land on a 50/50 basis, develop a major commercial and residential project (See Fig. 4) and participate in the revenues, and there would be cost sharing formula for the infrastructure costs including the relocation of the main rail corridor to the south and the construction of a new intermodal transportation terminal. This plan was shelved in 1974. Following this, the Province, the railways and the City agreed upon an incremental development approach in which the rail and terminal facilities were upgraded at a cost of approximately \$70 million. CN participated in the development of a hotel, office building and the Convention Centre. In the late 1970s a new land use plan was agreed upon between the City and the railways and was approved by the Ontario Municipal Board in September 1986. This plan established substantial commercial and residential development rights for the landowners: CN in the western half, CPR (on land leased from the

THC), and Canada Post on the east; a streets plan, a park plan; and an implementation agreement with cost sharing formula with the City of Toronto for infrastructure and land exchanges. Phase I of this plan included approval for the Dome Stadium which is now under construction and adjacent commercial land for CN with the required infrastructure.

Discussion:

Most of the urgent aspects of the CN Rail lands have been resolved, including approval for the Dome Stadium, approval by the OMB of the Part II plan, and the implementation agreements. A recent submission by CN Realty to Metro Toronto for a new headquarters on its land west of the stadium is being discussed. Negotiations on this proposal are underway now and a decision should be made this fall. There are other longer term issues which must be considered, including:

- The future of the waterfront plan and the relationship between Harbourfront and the Railway Lands;
- Private development decisions by Marathon on the east and Loblaws on the west;
- Relocation of the hi-line into the main rail corridor.
 Its current location virtually sterilizes CPR and Canada Post development rights;
- 4) Ultimate width of the GO and VIA rail corridor;
- City arbitration over rental rates at the Union Station which is owned by the City and leased to the TTR (CN and CPR);

- The impending decision of the CBC proposal call;
- The relationship from a Federal corporate management point of view of the CN lands to the total waterfront discussion; and
- 8) The future of the Light Rapid Transit line proposed on Queens Quay and alternative alignments and how it affects CN land values.

An overriding factor is the role of CN Rail, a Crown corporation Schedule "C-2", and its role in national policy matters. This gives them unique and extraordinary powers in carrying out their mandate. The subject of privatization of this Crown corporation, or any of its divisions, is not the subject of this report but ongoing discussions of this issue can not be ignored. CN Realty as a component of this Crown corporation is of much more specific interest to Federal land management policy. Land management is incidental to the main business of CN in carrying out its primary public mandate, but it is not to CN Realty. Even if one was to set aside the national interest issue of CN in the development business, the strategic linkages of CN holdings to other Federal lands in the waterfront are of great importance and value to the Government of Canada. CN Realty is a "commercial operation", making money for the CN family. Revenues from CN Realty go directly to the parent company. CN Realty is strictly in the business of development and management of land. Their land projects have nothing to do with the rail operations. Unless the lands have been declared surplus to rail use CN Realty has no role. On the face of it, there seems to be no reason why CN Realty should be part of a public corporation at all but that is a matter for others to review. Consistent with the objective of creating improved co-ordination and co-operation of public land management on the waterfront, CN Realty should not hide behind the cloak of private commerce on the one hand and the public Railway Act and Schedule "C-2" on the other. Public accountability should be direct and clear in any public endeavour.

The success of CN Realty ventures in Toronto to date (the Convention Centre and Dome Stadium) is because they were not viewed as Government of Canada projects but as private development corporation projects. CN Realty has created, at least on paper, considerable land value to the CN lands west of the CN Tower. They have also committed themselves to significant cost sharing agreements (75%) with the City for infrastructure and major parks. The relationship with CPR/Marathon is of key importance. Marathon is a conventional private sector company that is very competitive with CN Realty. Any Federal land strategy dealing with CN and the waterfront of Toronto must pay heed to the corporate dynamic with the CPR.

It may be difficult to bring CN or CN Realty into the fold of an overall land management strategy unless it is done with a co-ordinating mechanism as in the Railway Lands Steering Group (and with CPR as a partner) or unless CN Realty is dealt with through the privatization considerations of the Government of Canada. An alternative would be to build a strategy around some specific infrastructure projects, such as hi-line, rail corridor or Gardiner Expressway relocation. A new corporate structure might be built around infrastructure, leaving current land ownership and zoning controls in place.

Canada Post Corporation

Owner:

Canada Post owns the City Delivery Building and the South Central Letter Processing Plant.

Location:

The City Delivery Building is situated at 40 Bay Street. The South Central Processing Plant is at 969 Eastern Avenue.

Area:

5 acres (2.06 hectares) - the City Delivery Building

21 acres (9.31 hectares) - South Central Letter Processing Plant

Use:

Postal processing plants

Status:

Canada Post has two major properties in the Toronto waterfront. The City Delivery Building at 40 Bay Street has been designated historic by the Toronto Historical Board, but has not been recognized under the National Heritage Act. The building is surplus to Canada Post operational needs and its strategic location with respect to the waterfront and the railway lands is considerable. Canada Post has significant density rights created from the railway lands Official Plan but is limited in its use of these without the co-operation of CPR and CN.

The second Canada Post site is the South Central Letter Processing Plant at 969 Eastern Avenue. This is a large, recently constructed postal plant. The westerly portion of the site is a large area of surface parking. It faces onto the extension of the Gardiner Expressway, is adjacent to other large public land holdings, and, as such, should be considered as part of the larger waterfront strategy.

Discussion:

Status and rights of Canada Post Corporation vis a vis the Minister of Public Works and the Government of Canada is still under review. With respect to this study, it is assumed that Canada Post as an agent of the Crown has commercial aspirations and is sitting on valuable land assets, even with properties declared surplus. Any land decision must be in their best commercial interest. The arguments advanced for CN Realty should apply to Canada Post if one was to advocate a consistent Federal land management policy. Their strategic linkages to a specific waterfront strategy should be considered and exploited.

The Canadian Broadcasting Corporation - Broadcast Centre

Owner:

CBC on behalf of the Crown

Location:

Area bounded by Wellington, Simcoe, Front and John Streets, just west of the financial district and north of the railway lands and Convention Centre.

Area:

9.3 acres (3.64 hectares)

Use:

The site is currently used as a parking lot.

Status:

The CBC is currently reviewing proposals for a major mixed-use development, including the Broadcast Centre of over 1.5 million square feet and a private development of approximately 2 million square feet (4 million square feet gross). A recommendation is expected shortly. Construction could begin by next year and the Broadcast Centre could be "on air" by 1991.

Discussion:

A full discussion on the CBC proposal call approach is found in section 5 i) and it would be premature to comment beyond that. However, its prime location across from the CN land holdings to the south-west and the high density, high value financial district lands immediately to the east must be born in mind as the financing proposals are reviewed to ensure that the Government of Canada is maximizing the value of this strategic location.

Department of National Defence - Armouries

Owner:

The Corporation of the City of Toronto has leased two properties to the Department of National Defence - Fort York Armoury and HMCS York. The Fort York Armoury has been leased for \$1.00 per annum for 99 years, from 1 November 1932. Title to the HMCS York site is vested in THC. The site has been leased for \$1.00 per annum since 1 October 1941, for a period of 998 years, for military use.

Location:

The Fort York Armoury is located at 660 Fleet Street. IMMCS York is located at 659 Lakeshore Boulevard West.

Area:

8 acres (3.28 hectares) in total.

Use:

Militia training, administration, storage, social and recreational activities.

Status:

Within the waterfront area the Department of National Defence (DND) controls, but does not own, two armouries.

1) Fort York Armoury

Fort York Armoury sits on approximately three acres of land immediately south of Fort York and the Gardiner Expressway, between the Railway Lands to the east and the CNE to the west. This is one of three militia bases in metro. (See Appendix I) While the Toronto Historical Board may view this facility as detracting from Fort York to the north, from the militia's point of view this venue is critical. Furthermore, various regimental associations quartered here have strong historical and emotional ties to the building and its location. As waterfront plans are developed, the physical linkages and public accessability to Fort York and the surrounding parklands should be considered.

2) IIMCS York

This three-acre property is right on the water and is between

Metro parkland to the west and Dylex (a commercial office/sales, warehousing and manufacturing operation for the fashion industry) to the east. The Dylex Corporation is negotiating with the City for a significant upzoning of their lands as they have long-term plans to relocate and redevelop the site. This would suggest some potential value to the HMCS York site, although this must be contrasted with the requirement for public access and open space in this area. It is assumed that the HMCS York facility could easily be relocated to a less critical location. Another waterfront site may be found in the central waterfront area.

Public Works - Dominion Public Building

Owner:

Public Works Canada

Location:

 $1\,$ - $21\,$ Front Street West, the south-west corner of Yonge and Front Streets

Area:

1.5 acres (0.65 hectares)

Use:

Office/storage

Status:

A two-phase project is currently underway to completely renovate

the building. This site has a strategic location by way of the waterfront, the railway lands, the Front Street corridor and the TTC/GO terminal.

Discussion:

This building has recently been listed as a heritage property under the National Heritage Act, by the Minister of Environment. It is approximately 41,000 square metres in size. The City's Official Plan and Zoning By-Law allows a building of eight times the area of the lot, leaving considerable unused density on this site which may be transferable (approximately 350,000 square feet).

The President of the Treasury Board and the Minister of Public Works were asked to retain a consultant to negotiate a sale of these rights to a neighbouring development. Discussions with the City should be held to determine if there are potential purchasers.

c) The Provincial, Metropolitan and City Entities:

Province of Ontario

Apart from the jurisdictional powers of the Province over Metro and the City (e.g. the Planning Act of Ontario, the Municipal Act, the Municipality of Metropolitan Toronto Act and the City of Toronto Act) and their interest in transportation infrastructure, affordable housing and environment, they own many strategically located waterfront properties.

Ontario Place was constructed in 1968 on 160 acres of land fill. The Province owns the lake bed and through an agreement with the THC were able to build the facility with a minimum of fuss and red tape. The Minister of Trade and Commerce, Stanley Randall initiated the project within his department, with no new legislation. The Ontario Place Corporation was subsequently set up to operate the facility.

The Province also owns a 0.25 acre site in Harbourfront (a transformer station) and recently sold a 0.4 acre site (8 York Street) to Harbourfront for a commercial development.

The Stadium Corporation set up by the Province is constructing a 60,000 seat stadium on 10 acres of land in the railway lands.

The OPP Headquarters building at $90~\mathrm{Harbour}$ Street is on a 2.2 acre site which has been declared surplus.

The OPP maintenance and storage facility on Queens Quay East (9 acres) and the adjacent LLBO warehouse at 55 Lakeshore Blvd.

East (7 acres) at the foot of Jarvis Street are also declared surplus.

In the eastern port, the Hearn Generating plant is an obsolete facility owned by Ontario Hydro, sitting on 50 acres.

Metropolitan Toronto

The Canadian National Exhibition sits on 191 acres of significant land on the western end of the Toronto waterfront. This site is managed by the CNE Board of Governors, a Metro agency. The CNE Association manages the 21-day fair.

Under the jurisdiction of the Commissioner of Parks and Property is a band of waterfront parks stretching from the western beaches (including some private yacht clubs) through Coronation Park to the Toronto Islands, excluding the Island Airport, but including Wards and Algonquin Islands which are leased to the City.

Within the railway lands, Metro owns the John Street pumping station (7.5 acres). This facility is being relocated to make room for the new stadium. Metro also owns and controls a significant swath through the waterfront in the expressway and Lakeshore corridor (50 acres). This includes air rights above and below the structure.

A 140 acre sewage treatment plant is at the eastern edge of the port (Leslie Street),

City of Toronto

Apart from the ownership of all streets in the waterfront, and its tenuous control of lands of the THC, the City owns some strategic properties. Fort York, (20 acres) is located behind the Fort York Armoury (3 acres) which is leased to DND for another 44 years. The 3-acre site for HMCS York is under a 998 year lease to DND, but owned by the THC.

A critical strip of land, crossing the main runway of the Island Airport, is owned by the city.

The land under the west wing and central hall of Union Station is leased to the TTR, and the rental rate is currently under litigation. A 4-acre parking lot at Lakeshore and Bay, plus a small lakeside park behind the Harbour Castle Hilton, at the ferry dock, are owned by the City.

d) Land Management Options for the Waterfront

There is a public policy vacuum for the Government of Canada in the management of the Toronto waterfront. A window of opportunity exists for a new intergovernmental consensus for the best waterfront in North America.

The Status Quo

The development of the waterfront is now "managed" through the normal legislative framework, except when special projects have been proposed, such as the improvement for GO trains, the Dome Stadium and Harbourfront, when exceptional arrangements with the City were used. Apart from the interests and interventions of the Federal Crowns, the Government of Canada appeared to have a passive position with respect to the policy and project formulation in the Toronto waterfront. It monitored the Railway Lands Steering Group from time to time and is required through the Minister of Transport to authorize certain land sales to the Toronto Harbour Commissioners (the disposal of

most Federal lands was authorized by O.I.C. in 1925) but there appears to be no overall or consistent strategic overview. Each Crown corporation, be it Harbourfront, CN, CBC or Canada Post, has negotiated its own deal with the City or the Province without benefit of an overall Federal perspective.

The Provincial Government, through the Planning Act, is the ultimate arbitrator of planning and development decisions, and the Province is the prime funder of infrastructure. Appeals to the Ontario Municipal Board require comments by the Minister of Municipal Affairs. He is becoming more interested in the process and the style in which some community planning decisions are made. The "let's make a deal school of development approval" is not fine as far as this Minister is concerned, as described in a recent speech in the Urban Development Institite. The Provincial Government through the Railway Lands Steering Group and TATOA have had a very powerful but quiet impact in waterfront decisions. Within the existing legislative framework the Provincial Government has improved the GO/Union Station and constructed a rail overpass for improved commuter facilities (over \$60 million). They have never participated to any significant degree in the Harbourfront debates and have taken a very low profile. Their prime interest to date seems to have been on funding some of the cultural programs. The Province, because of its majority financial responsibility representing infrastructure (transit and expressways), also is currently considering a \$750 million Metro transit plan request for the year 2011, and the \$50 million Waterfront transit line.

The Metro Government has a Metro Plan policy that tries to balance suburban and urban issues and interests. It is, however, primarily responsible for planning and constructing major elements of the infrastructure. It contributes the municipal share of the costs of construction and operating these elements — a share which ranges from 25% for transit to 50% for metropolitan roads. From time to time, it takes a more interventionist position.

The City through its involvement in the planning process (Central Waterfront Plan, Harbourfront Official Plan, Railway Lands Official Plan, etc.), its role on the THC, its Economic Development Corporation, and its leadership role in the Railway Lands Steering Group have had a very effective yet limited role. Effective in the components of the waterfront, but not in the whole, because it has no jurisdiction over the massive infrastructure that dictates the ultimate use and form of the waterfront. The City has achieved much. It has created and approved an Official Plan and implementation agreements for the Railway Lands, including infrastructure, cost sharing and construction and land exchanges. It has approved and helped expedite the building of the Convention Centre and the Dome Stadium through co-operative efforts with CN and the Province, yet

without any City investments. It also saved the Union Station from destruction in the early 1970s. It was a major player in the creation of the Harbourfront Development Framework and Official Plan, and designed an innovative approval process. marrying Federal and City jurisdictions. It also negotiated a transit and road plan with Metro for the whole waterfront. This was the first agreed upon Metro-City plan in the history of the Metropolitan Government. It was this transportation plan that has allowed Harbourfront, the Railway Lands and Dome Stadium to proceed and to win significant victories at the Ontario Municipal Board against ratepayer opposition. An agreement has been reached between the City, the THC and the Federal Government to allow expanded commercial air traffic from the Island Airport. With the help of the City, the THC has sold many valuable acres of land and the Federal Government has achieved significant development potential on unused Railway Lands (11 million square feet of commercial land for CN, and 2.7 million square feet for Canada Post). The waterfront is now booming, public access has been improved and many more people now have an opportunity to enjoy the waterfront of Toronto.

However there are many lost opportunities. From a Federal perspective the Government of Canada has not realized on any

of their land contributions which were under the control of the THC. The chairman of a major high-tech manufacturing business could not believe that a phone call to the Prime Minister. the Premier or the Mayor would not help him in purchasing a significant amount of Toronto Harbour Commissioners land for a mixed industrial/residential community. He discovered that this was an "indigenous" corporation with public land and obscure political responsibility. The real value of the Harbourfront land assets is unknown. We know that \$120 million has been invested in land and infrastructure, but it is not clear how much of this, if any, will ever be repaid. The 40 acres of park that were promised by the Government of Canada have not materialized nor has the credit to the Government of Canada been proportional to the investment and effort contributed. Most users of Harbourfront perceive it as a local city project. Although the Island Airport is providing greatly increased commercial air travel, the facilities are still primitive.

There are also major physical barriers which make access to the waterfront difficult and development opportunities limited. These include the freight hi-line by-pass, the Gardiner Expressway, the Lakeshore Corridor, the proposed waterfront transit line and the main rail corridor. The approval process for major waterfront projects is also very complex, often frustrating and slow.

For the management and policy purists the planning of the Toronto waterfront would be seen as an embarrassment. For the believers in the Ambrose Bierce school of planning ("to plan is to bother about the best method of achieving accidental results"), the process may be seen as a superb example. The fact remains that the waterfront can and should be better much better. The scale, complexity and synergy of the waterfront should demand much more effective management, publicly agreed upon goals, recognizable results and improved public benefit. This can be a first class waterfront. Accordingly, if one is looking for a higher level of quality and value, it is necessary to pursue management models beyond the status quo. If one wants to achieve anything better, one needs a new machine or technique. The status quo has achieved some acceptable pieces but it will not achieve a coherent whole - a waterfront worthy of the 21st century.

From a Federal perspective, there is no corporate overview on all of the lands for which they have responsibility. Nor is there an overall vision or clear objectives. Each department and corporation perhaps has its own. For example, CN Realty sees itself as a commercial operation to obtain the highest and best use with surplus CN rail lands. They do not see themselves as a public agency. Canada Post, sitting on five acres of land, clearly surplus to program delivery requirements, must act as a commercial land entrepreneur — a long way from

delivering the mail. The Federal Government has almost given up all effective control of its THC land assets through the 1951 Order-In-Council. The Harbourfront mandate of 1978, which has now become muddled, does not guarantee effective use of the Federal land investment or public use. Treasury Board, through its central agency status, must wrestle with competing objectives, financially concerned Crown corporations, a plethora of internal guidelines and procedures, a land management policy that could mean anything to anyone, and is expected to make consistent and coherent policy choices and directions. New policies, frameworks and land management structures are required for the Government of Canada.

Options

The status quo of public land management in the waterfront is not acceptable. Options of improved consultation, co-ordination, and authority not only within the Federal Government, but with the other levels of government as well must be explored. The minimum level of complexity, intervention and new legislation should be the goal. If these options are not pursued then total sale or divestiture may be the result. A range of options can be identified that would be consistent with these goals. They would range in "toughness" from the muddled state of status quo, through improved consultation, co-ordination without legislation, co-ordination with legislation and a new corporate structure with new legislation. (See

Fig. 7) Some current Canadian organizational models are discussed in Appendix J. No attempt was made to evaluate their effectiveness in achieving their particular objectives. This should be the subject of further study.

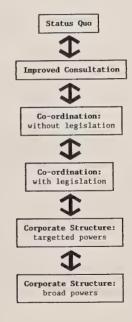
In the ideal situation all governments would work together in harmony, within a consultative environment to achieve improved benefits, not only for themselves but for all the governments as a whole. The parts would be better managed and the whole would be better than the sum of all the parts.

Analysis and experience indicates that this kind of harmony exists only in fairy tales. The question is can new co-ordinating mechanisms do the job or does one have to "legislate"?

Some form of new legislation will be required in order to achieve truly significant results, but one should be prepared to start with an incremental approach in which a new co-ordination structure was first put in place. The objective of re-arranging the massive infrastructure and creating significant open space will acquire new authorities for design and implementation.

A co-ordination structure (an Intergovernmental Waterfront Committee) would be responsible to evaluate the need for new legislation to achieve agreed upon intergovernmental goals, i.e. consultation, then co-operation, then incorporation, if necessary, but not necessarily incorporation.

Land Management Options for the Waterfront



Even if one was to propose divestiture or land disposal as the preferred options, a process to achieve this would still be required. If divestiture was an immediate goal, the consultation/co-operation model would still be necessary in achieving divestiture. Even divestiture will require new management structures for any residual lands. Land disposal as an immediate goal would still, in my view, have to go through a "trusteeship" test — assuming that there were no constitutional obligations or delivery of services required.

On that test, the waterfront would be defined as a significant public resource - a natural phenomenon that should be accessible by all people. In the same way that privatization of the lake would be seen as "un-Canadian", so would be the lakefront or the water's edge. A moot issue is the definition or dimension of this water's edge. Historically, the Crown owned the floor of the harbour - right up to Front Street. For example, the City has defined a seven metre (21 foot) water's edge promenade as the "public edge" - no buildings can be built closer to the lake than this. There are, however, ongoing debates between Harbourfront and the City about the ownership and extent of "commercialization" (e.g. new car displays) of this narrow strip of land. In addition, Harbourfront rents dock walls to private charter boats and is considering a floating restaurant in one location, leaving no room for the average citizen boater to tie-up. The definition and dimensions of the public edge are issues for more study, by others. The point is that the water's edge should be defined as public, owned by the public and accessible by the public. This is a prerequisite for any development plan for any land management option, including "full" disposal.

Discussion of Options

Improved Consultation.

In this model all governments would be expected to improve communication and share information. It would be ad hoc, and driven only by the unfolding of events or crisis. Improved policies and procedures, internally and between governments, could be set-up. The process might have a basic structure with a revolving chairmanship. A variation on this is the consultative task force model where one government, which has clear primary jurisdiction, gets on with its job but includes other governments on a consultative basis, but with no control. Although an improvement over the current situation, its main weakness is its lack of common purpose, structure, initiative, discipline and foremost - the ability to get things done. The advantage is that it would be simple, because it's harmless, to establish.

A Co-ordinating Body - Without Legislative Powers.
 This group would be a formal body, set up by all the participating governments with agreed upon goals and objectives, a reporting structure, terms of reference, an organization

structure, a staff and a budget. Sub-Committees of other interest groups, officials and politicians could also be set-up. It would be set-up within the current authorities of the governments.

It does not have the same weaknesses as the first model – it would have political support and a mission – but it's success would depend on day—to—day political attitudes and situations. Achievements could only be by consensus, and the normal legislative and political process would continue. A current example is the Railway Lands Steering Group, set up by Premier Davis in 1978. (See Appendix L,M) Its major flaw is its inability to implement.

- 3. A Co-ordinating Body With Legislative Authority. This would be similar to the previous model in structure and purpose except its establishment would be by special legislation, to enshrine the body in law. At a practical level it may act very similarly but its legislative base may give it more stability and clout. Its legislative base would be helpful in keeping disenchanted partners at the table.
- A Corporate Body With Targeted Powers. This corporation or authority would be established under Federal or Provincial charter and would expand the above models to the extent that they would have powers to implement. These powers would be narrowly defined to minimize,

but not eliminate, the encroachment of powers on other governments. For example, the powers may be targeted to a very singular objective, such as "to plan and construct a new public infrastructure of parks, streets, bridges, transit and rail in the Toronto waterfront". It would have no direct authority over land ownership, control and zoning, which would leave very sensitive local controls and property rights in place. It could be similar to the Niagara Parks Commission.

5. A Corporate Body - With Broad Powers.

Building on the above corporate body, expanded powers could be added. These powers would include expropriation, buying and selling, and development of land, exemption from local official plan and zoning by-laws, etc. They could have powers on land and in the lake, powers over the rail corridor, and powers to tax or levy charges for facilities. The National Capital Commission is an example.

A conceptual model for a Provincial Capital Commission, discussed in Appendix N, would adapt the NCC model to the waterfront of Toronto. A proposal for a Federal Land Fund is discussed in Appendix O.

Conclusions

Before any significant progress can be made on the improved management of Federal waterfront lands, three basic components must be in place:

- Political will there must be an "agreement" (or a handshake deal) at least between the Federal and Provincial Governments to co-operate and co-ordinate their actions, with basic goals and objectives defined.
- A management structure which will set up the basic structure of co-ordination; an agreement on power sharing, the role of Metro and the City, and basic terms of reference defined.
- 3. A vision an acknowledgement that with a political will of consensus and improved management, a better waterfront will emerge - a plan for the year 2000 - a waterfront that recognizes its public dimensions but does not allow the institutional barriers between governments and agencies to manifest themselves as psychic and physical "walls", and harnesses entrepreneurial energies for a broader public good. The last great waterfront plan was created in 1912.

It would be folly to argue priorities; all three pieces are critical and are required concurrently.

Five generic options have been discussed. Within and between these five options, variations are possible. The style of leadership will also have a great effect on results. For example, results may be more forthcoming with a strong leader with weak authority, than a weak leader with strong authority. The timing and rhythm of discussions and events are also crucial elements.

The President of Treasury Board should recommend the establishment of an Intergovernmental Waterfront Committee, based on Option 2, and based on the Principles of Understanding set out in Appendix K.

The Government of Canada has minimal interests and service delivery functions in the waterfront. Its trusteeship obligations should be transferred to the appropriate constitutional jurisdiction, the Province. The Prime Minister of Canada and the Premier of Ontario should appoint a chairman for the Intergovernmental Waterfront Committee (the "IWC"). The IWC should report in six months on:

- Detailed goals and objectives (See Appendix P for examples);
- (2) A Development Plan for the year 2000, which will describe large-scale infrastructure and open space opportunities;
- (3) An organization and management plan;
- (4) Staffing and funding;
- (5) A work plan and timetable;
- (6) A public communication plan;
- (7) A consultation program
 - within the Government of Canada
 - with other governments
 - with private land owners
 - with the community.

e) Physical Opportunities

This report discusses the effective management of land. Effective management must be directed to desired ends and one of these ends is a product - a physical result - or a "vision". Some opportunities that are possible, if governments work together, pooling their resources of politics, power, land, jurisdiction and ideas are discussed. These ideas are just the tip of the iceberg and are described in concept only. They all are technically feasible and have an economic rationale. They include:

- 1. Geographic enhancement:
 - a) landfill in the lake for more parks
 - b) land excavation to create more lake:
- Infrastructure relocate barriers:
 - a) hi-line
 - b) expressway/Lakeshore
 - c) rail corridor
 - d) LRT;
- 3. Development potential:
 - a) reassign densities (increase some, decrease others)
 - b) reassign land use.



"It is not claimed that this plan is the best that can be devised, or that it covers all that can be done. It is not even put forward with any urgency for its adoption in whole or in part, but merely as a sketch, showing that an improvement of great magnificence is possible and entirely practicable."

Daniel H. Burnham 1897

"Make no little plans; they have no magic to stir men's blood Aim high in hope and work, remembering that a noble, logical diagram once recorded will never die, but long after we are gone will be a living thing, asserting itself with ever-growing insistency. Remember that our sons and grandsons are going to do things that would stagger us. Let your watchword be order and your beacon beauty."

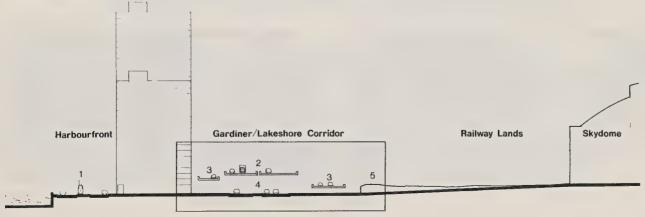
Daniel H. Burnham, 1907

Oportunities for Dealing with the Gardiner Expressway Refer to Illustrations on Page 60.

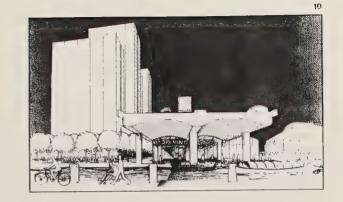
- Fig. 9 Existing Conditions.
- Fig. 10 Remove the ramps and introduce water into the Railway Lands.
- Fig. 11 Bury expressway functions and make an at-grade boulevard on top of the Gardiner.
- Fig. 12 Remove the Gardiner Expressway.

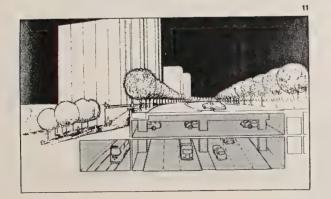
Barriers

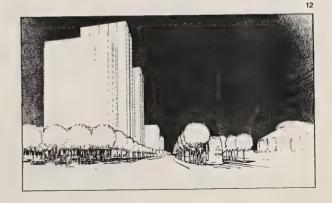
- 1 Light Rail Transit
- 2 Gardiner Expressway
- 3 Gardiner on/off ramps
- 4 Lakeshore Boulevard
- 5 Railway high-line

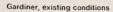




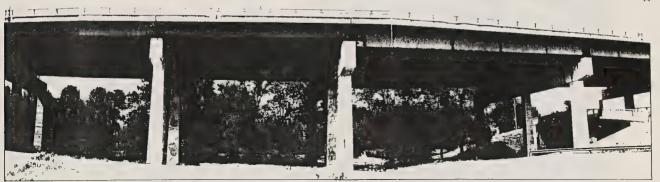


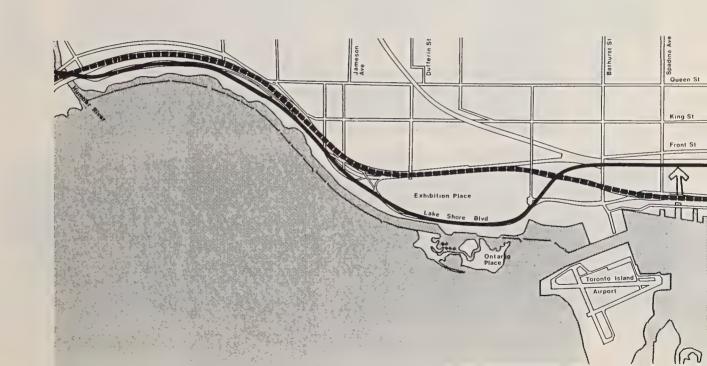








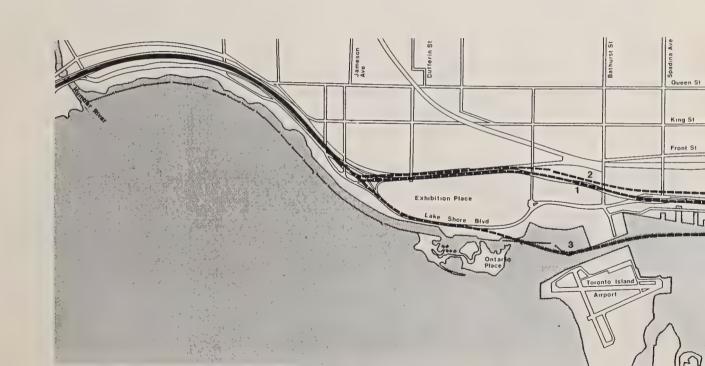




Move the Lakeshore Boulevard from under the Gardiner Expressway

Most of the expressway's ramps are removed, making it primarily a Toronto by-pass. This would free up about 50 acres of land, strategically located for development and parks. It would also assist in achieving the objective of connecting the city to its waterfront. See Fig. 15





Replace the downtown section of the Gardiner Expressway

This is part of a larger strategy that would see the creation of grand east-west boulevards within the Railway Lands. Front St. would be extended to meet the Gardiner at Strachan Ave. In addition to replacing the Gardiner, the diagrams below show other possible locations.

- 1. A street alongside the Lakeshore Boulevard
 - Burried within the Railway Lands
- . A tunnel in new landfill into the lake

All have the effect of increasing land for development and parks. These proposals would also allow for better connections between the city and the waterfront.

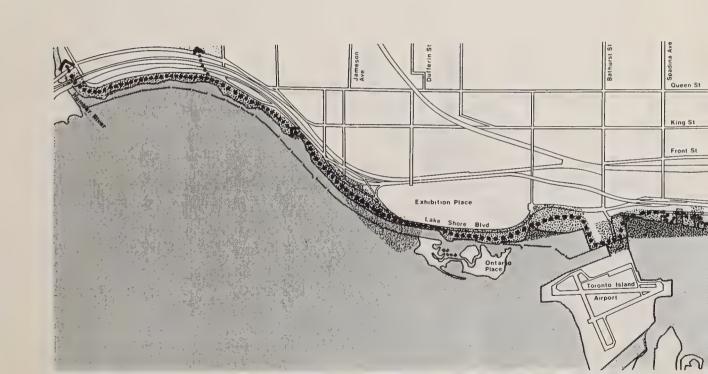




Remove Via and freight lines from the city centre

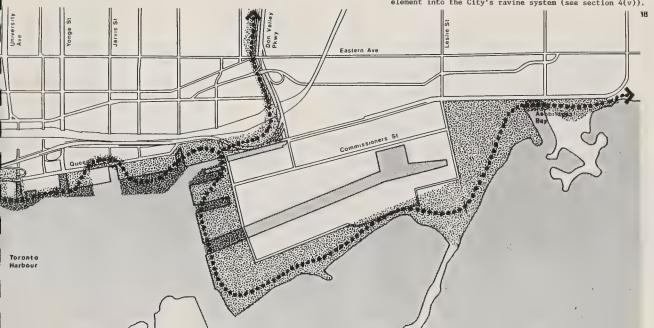
A new inter-city terminal is created adjacent to the port area. Only communter trains run along the inner city tracks.





More Open Space

The open and public nature of the water's edge should be expanded. This could include filling in the lake where appropriate, relocating the western gap south of the Island Airport, ensuring access and improving the continuity of this essential waterfront element into the City's ravine system (see section 4(v)).

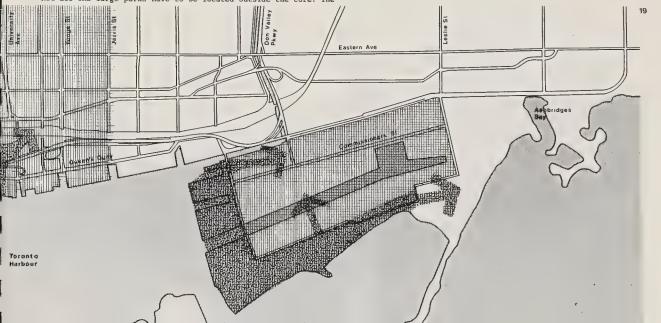


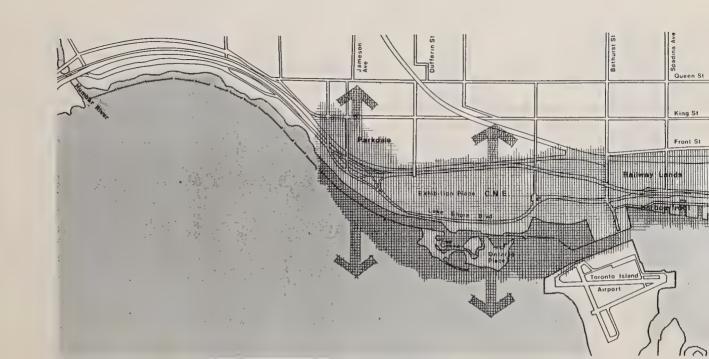


Redistribute densities.

The port area has development potential equal to that of another downtown. In a city like Toronto it is necessary to achieve an equitable balance between public open spaces and development; Not all the large parks have to be located outside the core. The

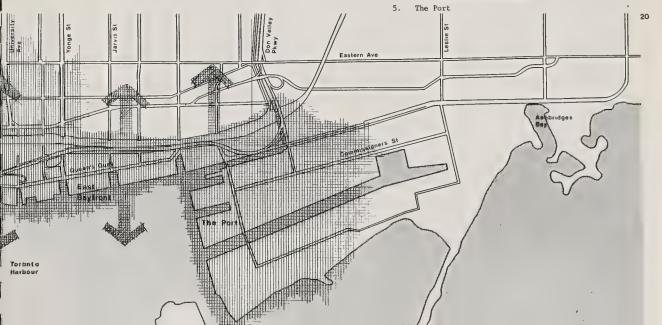
port area could take some of the "pressure" off the Railway Lands to put a major urban park in the centre of the city. Densities could be redistributed accordingly.

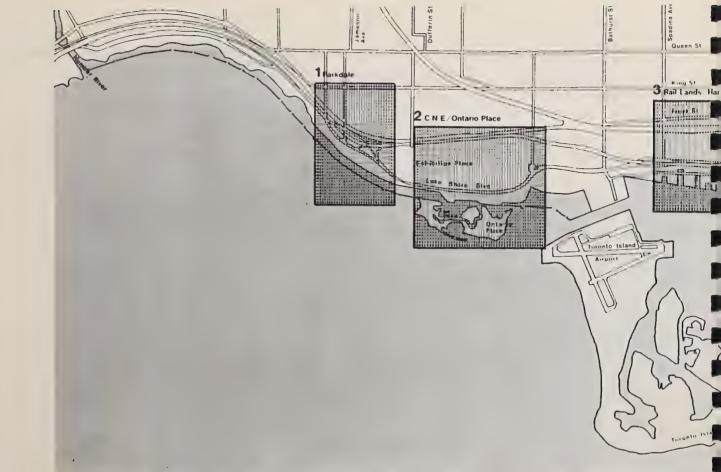


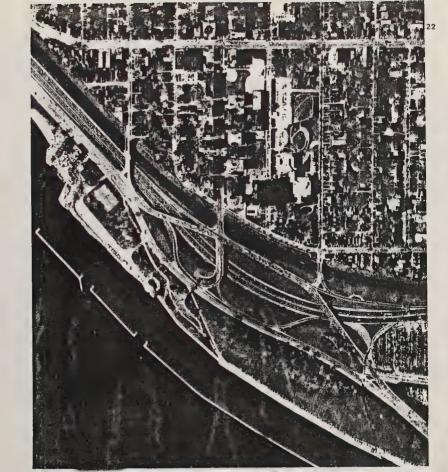


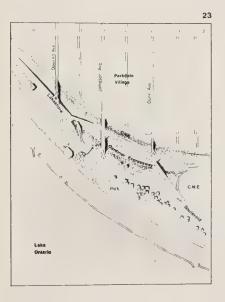
Encourage the extension of existing communities and development of new ones that connect the city with its waterfront.

- . Parkdale Village
- 2. Canadian National Exhibition/Ontario Place
- . Railway Lands/Harbourfront
- 4. St. Lawrence/East Bayfront





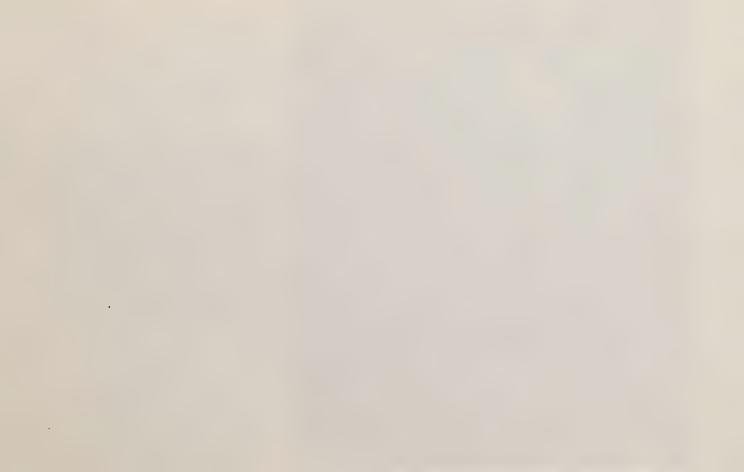


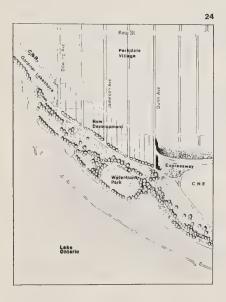


PARKDALE VILLAGE/WATERFRONT PARK

Existing Condition Figures 22.23.

When the railway went through, Parkdale Village was partially cut off from the lake. However, to the south a pleasant lakeshore drive was made: Lakeshore Boulevard. When the Gardiner Expressway was built, a large freeway interchange was created with the Lakeshore Boulevard which had also by then become an expressway. The Lakeshore was further modified in order to maintain vehicular connections to Parkdale. These modifications exhibited a fairly ambivalent attitude towards land use and resulted in not only a formidable barrier between the lake and the neighbourhood to the north but also a waste of valuable land. The system was designed without concern for the potential land value but rather for merging distances. Only one small bridge connects the residents of Parkdale Village to the waterfront park.





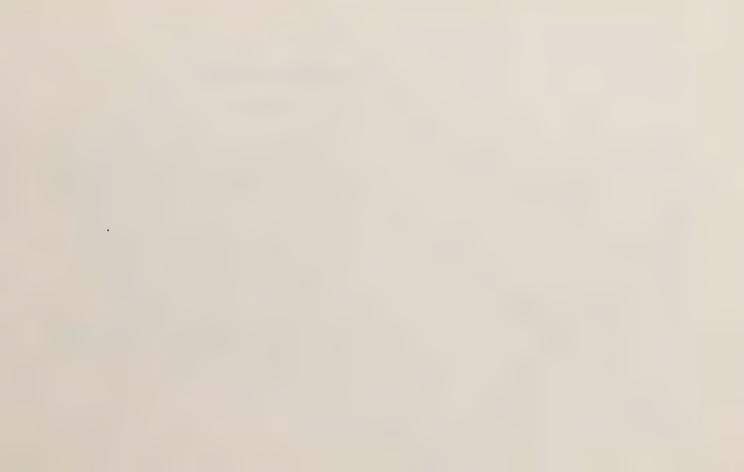
PARKDALE VILLAGE/WATERFRONT PARK

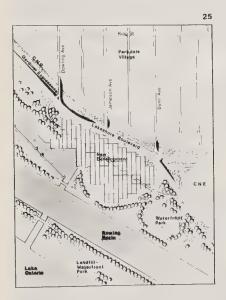
Parkdale Village Extension Figure 24.

In this proposal the Gardiner Expressway and rail corridor ditches are decked over, allowing Parkdale Village to be extended south towards the lake. The expressway function of the Lakeshore Boulevard is consolidated within the Gardiner Expressway. The former now returns to its original function as a pleasant lakeshore drive.

The extension of Parkdale Village creates valuable development land, re-connects the neighbourhood to the waterfront but disconnects it from the Lakeshore/Gardiner system, making it more difficult for traffic to invade the community.

More waterfront park is created by rationalizing the traffic system. This park will become part of a continuous open space network along the lake, connecting the Humber River and Don River valleys - the development of which will create an interconnected park system surrounding the entire city.

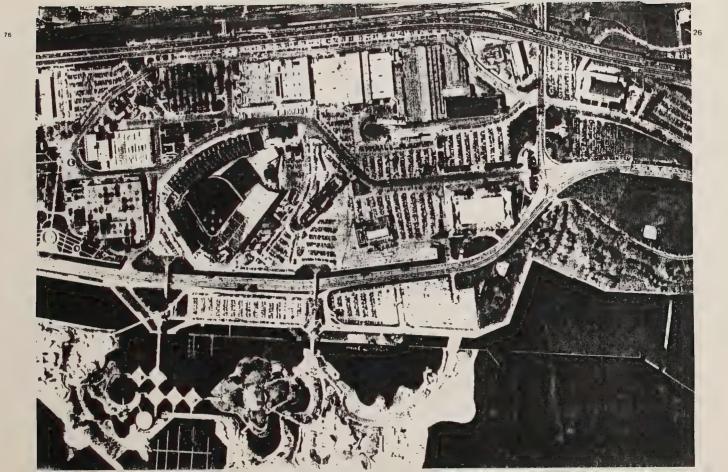


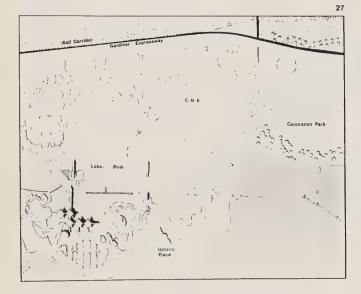


PAREDALE VILLAGE/WATERFRONT PARE

Waterfront Park Extension Figure 25.

Lakeshore Boulevard is consolidated to the north and for a distance covers the Gardiner Expressway. In this proposal, Lakeshore Boulevard defines the southern boundary of Parkdale Village. The old alignment of Lakeshore Boulevard becomes a local road running through a new development, which could be designed as an extension of Parkdale Village. Alternatively, it could be a relatively separate entity, such as an Olympic facility. However, the one need not preclude the other. Considerable landfill is contemplated, creating both a park and a rowing basin - the latter could be an Olympic facility. The landfill park replaces the open space used up for the development to the north.





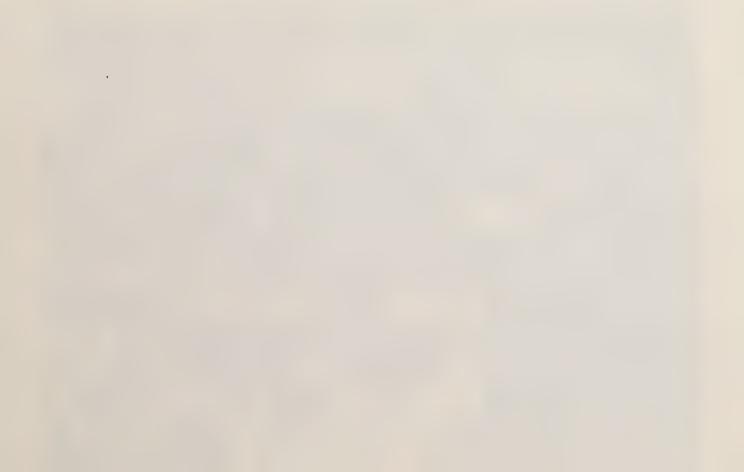
CANADIAN NATIONAL EXHIBITION/ONTARIO PLACE

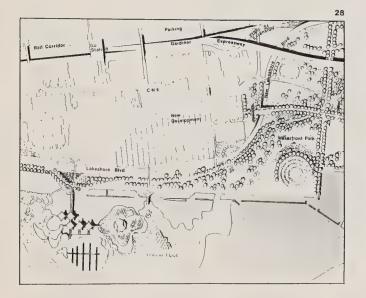
Existing Conditions

Figures 26, 27.

The Gardiner Expressway and Lakeshore Boulevard are the cause of considerable dislocation within the area. Only the most tenuous and constricted connections exist between Ontario Place, Exhibition Place, Fort York and Coronation Park.

There are huge areas of land given over to parking. This is a poor use of such valuable land, considering there are better ways to cope with the automobile. The whole area can be characterized as a fragmentation of unrelated parts.





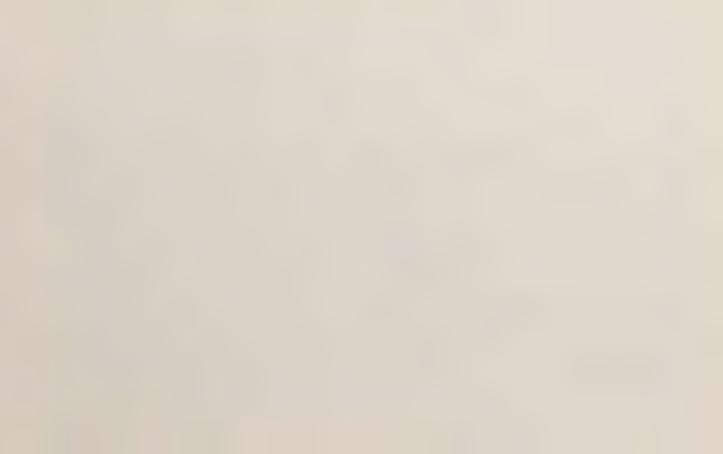
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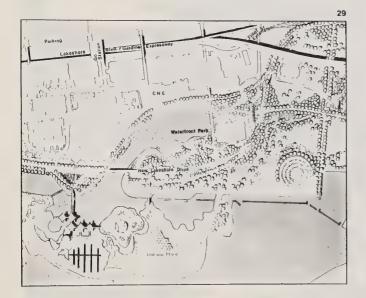
Lakeshore Boulevard Re-alignment Figure 28.

This proposition suggests a major re-alignment of Lakeshore Blvd. At the Prince's Gates it swings north under the Gardiner Expressway, turns east towards the city, parallelling an improved Front Street, to become a major east-west feeder road into the city. In this instance the Gardiner Expressway remains in its current location but with all the Lakeshore Boulevard ramps severed. It becomes a more through route than an access road to the downtown.

These changes in infrastructure free the waterfront from the barrier effects of Lakeshore Boulevard. At the same time they make much needed and practical connections between the railways lands and the surrounding city.

The proposal also shows parking facilities consolidated north of the rail corridor. This not only provides more efficient parking, it frees up a considerable amount of land; land that can be used for future development or parks or both. Additional land is also created by landfill in the lake. This extends Coronation Park and forms part of a continuous, uninterrupted waterfront open space system from Union Station to Ontario Place.





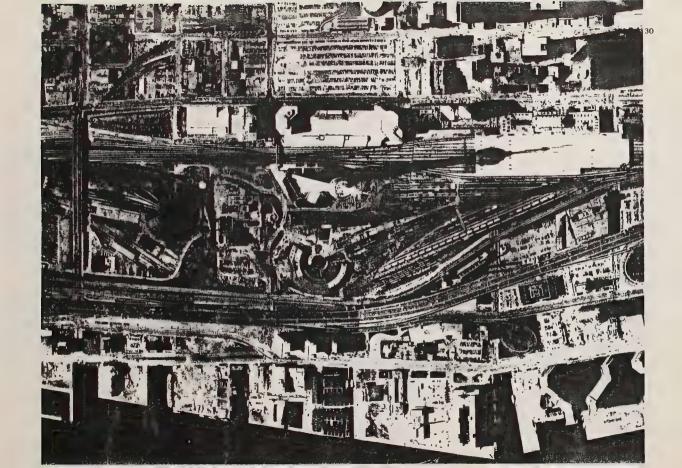
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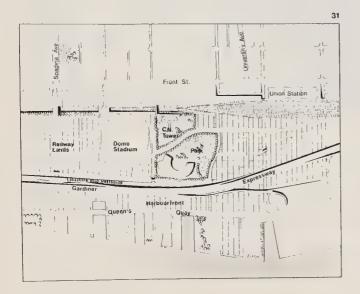
Waterpark and Gardiner/Lakeshore Consolidation Figure 29.

The Gardiner Expressway and Lakeshore Boulevard are consolidated to the north. New connections are made with Front Street. Lakeshore Boulevard reverts to its original role as a pleasant lakeshore drive, primarily for recreational use.

The consolidation of The Gardiner Expressway and Lakeshore Blvd. could be designed to support the emerging development on the Massey Ferguson lands and surrounding properties. As in the previous option, parking facilities have been consolidated north of the railway corridor.

This proposal makes much better connections between Exhibition Place, Ontario Place, Coronation Park and Fort York. These connections are reinforced by the introduction of water extending from Ontario Place into Exhibition Place. Additional landfill also helps these linkages.

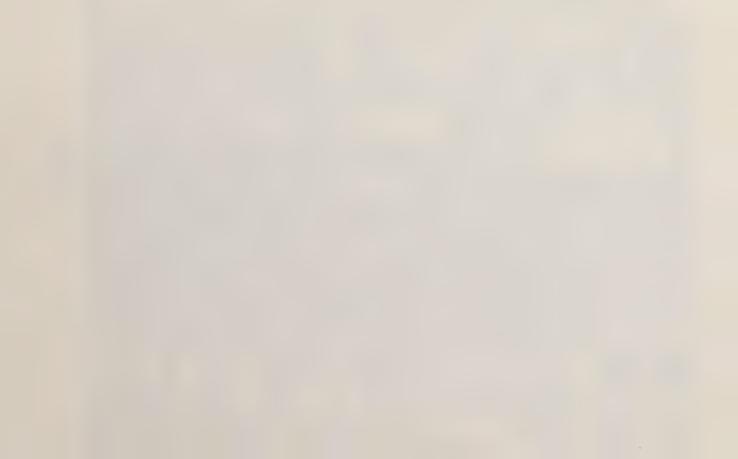


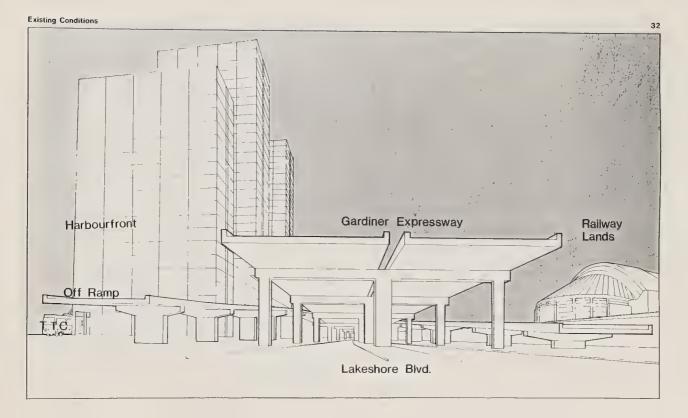


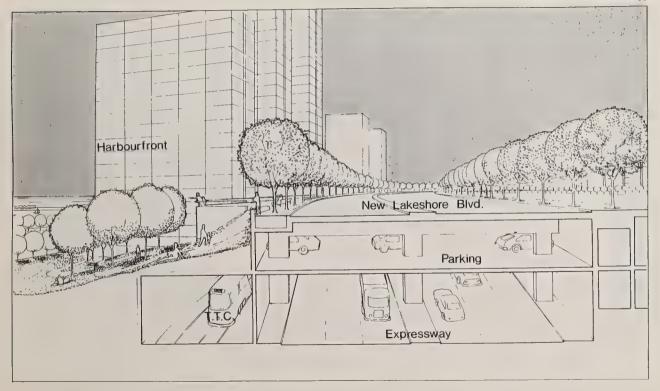
RAILWAY LANDS/HARBOURFRONT

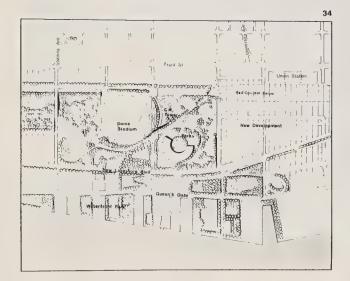
Existing Conditions
Figures 8, 30, 31, 32.

In accepting the status quo, the barrier effect of The Gardiner Expressway/Lakeshore Boulevard corridor is reinforced by the proposed developments in both the Railway Lands and Harbourfront. The proposed road pattern within the Railway Lands fails to make significant north-south linkages between the city and its waterfront.









RAILWAY LANDS/HARBOURFRONT

Bury The Gardiner Figures 33, 34, 35.

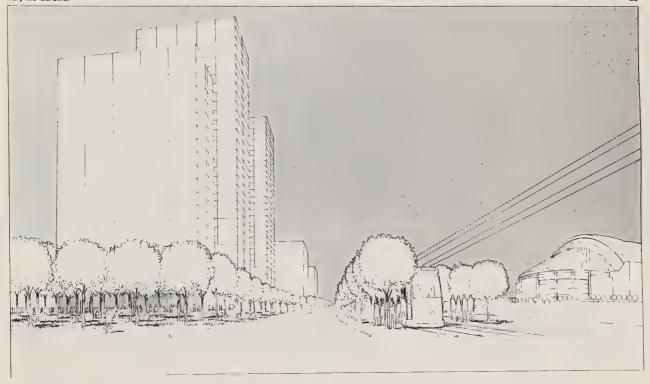
This proposal calls for a major rationalization and consolidation of both the Gardiner Expressway and Lakeshore Boulevard. The expressway function of these roads is buried below the existing Gardiner Expressway structure - the new road becomes a Toronto by-pass, with limited access. The Lakeshore Boulevard now occupies the Gardiner Expressway alignment where it becomes a continuation of the scenic lakeshore drive function, permitting buildings to address Lakeshore Boulevard.

Front Street, a new east-west road in the railway lands and Lake-shore Boulevard become the main traffic feeders in and out of the city. The overall city street network is extended, eliminating the bottle necks that presently exist at the limited access points to the Gardiner/Lakeshore Expressways. The railway corridor is also buried, and this, along with the rationalization and consolidation of the Gardiner Expressway and Lakeshore Boulevard, creates more land for development and parks. The barriers are thus overcome, permitting a north-south extension of development and public open spaces. In order to create a larger park in the centre of the Railway Lands that is consistent with the scale of the city, density has been re-located and concentrated.

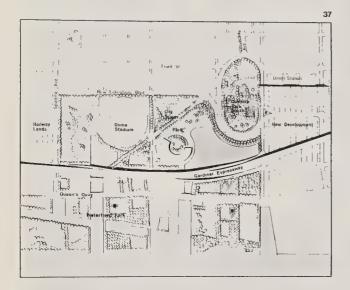


Bury the Gardiner







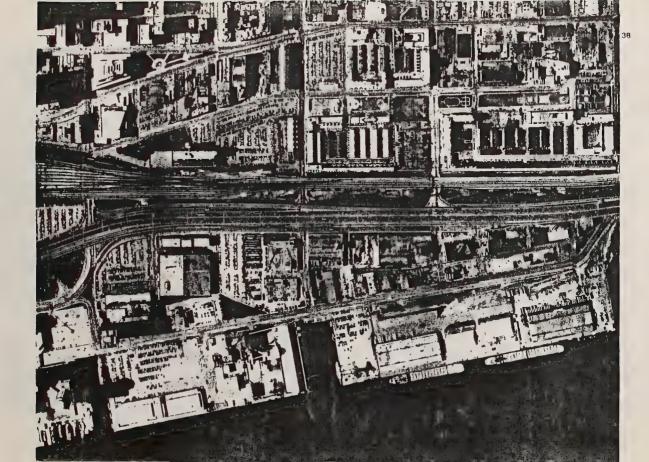


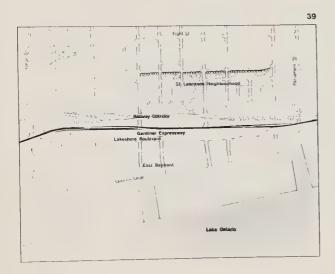
RAILWAY LANDS/HARBOURFRONT

Landfill and Water Figures 36, 37.

The Gardiner remains, except with the Lakeshore Boulevard ramps removed. The Lakeshore Boulevard is re-located north of the Gardiner Expressway within the Railway Lands and terminates at "Queen's Park South". The latter is a simple device designed to cope with the traffic coming into the city from The Lakeshore Boulevard, an improved Front Street and a new east-west road in the Railway Lands.

The city is extended towards the lake by bringing the lake into the city. Additional landfill is also proposed to create additional parkland. Water can now be used as a means of public transportation with water taxis able to take you from the CN Tower or the Skydome, to the Island Airport, Ontario Place or East Bayfront.



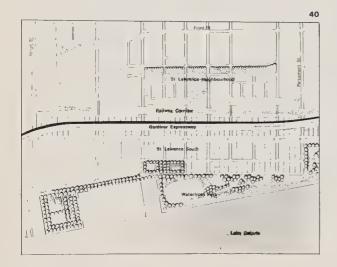


ST. LAWRENCE/EAST BAYFRONT

Existing Conditions Figures 38, 39.

While the area to the north of the railway corridor is intensively developed, much of the land to the south remains underutilized. Many of these properties are in public ownership. Significant development is not anticipated in the near future without major economic and development initiatives on the part of the public landowners in concert with the private sector.





ST. LAWRENCE/EAST BAYFRONT

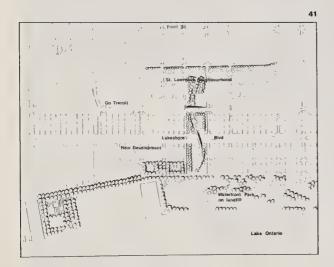
St. Lawrence South Figure 40.

This proposal calls for major residential development to be built to the south of the railway corridor. This is an extension of the St. Lawrence neighbourhood to the north, in as much that it would reflect the kind of housing mix existing in that community. This new neighbourhood would have its own schools, social and recreational facilities, parks and shops.

With its ramps removed, The Gardiner Expressway remains as a Toronto by-pass. This creates more development land and enables the Lakeshore Boulevard to be re-located to the south. It now becomes a new east-west neighbourhood collector street.

A major new waterfront park is made forming part of a continuous open space system which stretches from the Humber to the Don.





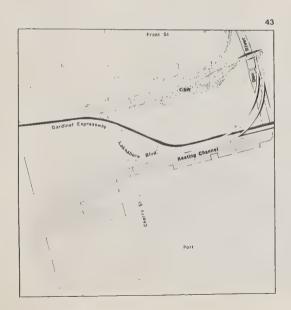
ST. LAWRENCE/RAST BAYFRONT

Demolish The Gardiner Figure 41.

The Gardiner Expressway is demolished and the railway corridor is confined to GO transit only. (New railway terminals are developed to the east and/or west of the city centre.) The Lakeshore is now a major east-west road at grade, intersecting normally with the existing city street grid. A considerable amount of land is freed up for development.

Enough land exists for a major mixed-use development which could include a new residential neighbourhood, light industrial uses and some commercial. To provide adequate open space for this community, some landfill into the lake is indicated. As in all the waterfront options, the waterfront park is part of a continuous open space system.





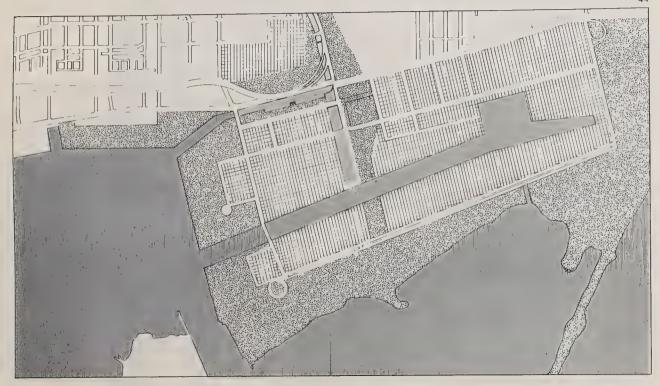
THE PORT

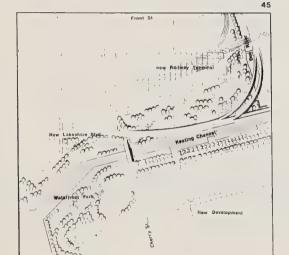
Existing Conditions Figures 42, 43.

North of the Keating Channel the area is characterized by old railway yards, industry and the termination of the Don Valley Expressway. This is also the mouth of the Don River, which flows directly into the Keating Channel. While there are a number of viable industries, the area has the general appearance of a wasteland.

South of the Keating Channel is the port area. Some port functions remain, such as warehousing and oil storage. There are also a number of functioning industries. However, much of the land is under-utilized.

The port covers an area in excess of a thousand acres. Its close proximity, and potential linkages to the city centre, make this one of the most challenging development areas in the region.





THE PORT

Civilize The Don Figures 44, 45.

This proposal suggests a major clean up of the area around the Don River. This will not only have beneficial environmental effects, but will enhance the area for development.

Also indicated is a new eastern railway terminal, which assumes that the railway corridor through the city centre is limited to GO transit only. This new terminal, on CN land, will be the focus of new development in the area.

The new park around the mouth of the Don River is a major entrance to the regional ravine system referred to elsewhere in this report.

Figure 45 shows a plan of the entire port area, and indicates an extensive open space system. Also shown is a huge area available for development. The potential here is so great that it suggests bold, imaginative and thorough consideration. One possibility might be to hold an international competition, the contents of which might suggest radical new ways of working and living in the city of the twenty-first century.

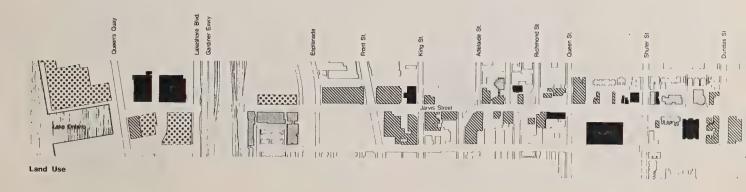




4 (iii)

The Jarvis Street Corridor





The Jarvis Street Corridor

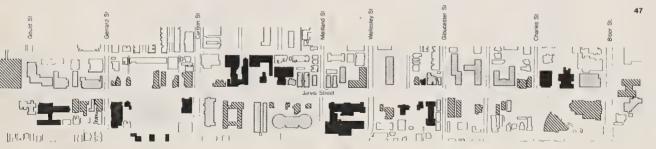
INTRODUCTION

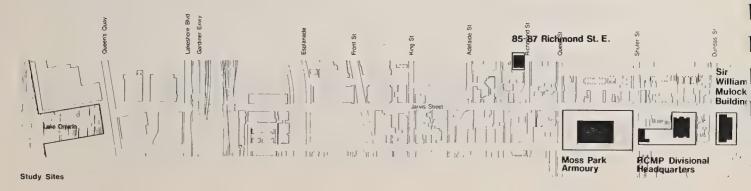
In 1813, Jarvis Street was the eastern boundary of the City, and for over a hundred years after that was one of the most important streets in Toronto. By the middle of the nineteenth century it had established itself as a premier residential community, and it was here that the rich and influential built their luxurious mansions. However, after the second world war, the street went into decline as the forces of planning and development turned their eyes to the suburbs and their backs on the inner city.

The thirty-five year period after the war saw the gradual disap-

pearance of the grand houses of Jarvis. Many were demolished to make way for indifferent development; others became rooming houses and fell into disrepair; some were converted to commercial or institutional uses; almost all have suffered at the hands of indifference, expediency or neglect. Consequently, the quality of the street itself has suffered and, until the creation of the Central Area Plan, which called for a mix of residential and commercial development, it had been largely ignored by planners and developers alike.

Today Jarvis Street is a regional traffic artery serving the downtown core. As a "gateway" to the city, it began to attract the attention of developers in the early eighties. The urban blight that occured after the war resulted in many potentially valuable development sites. This, combined with the street's



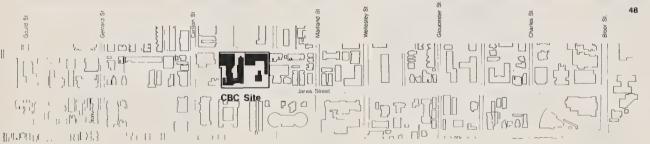


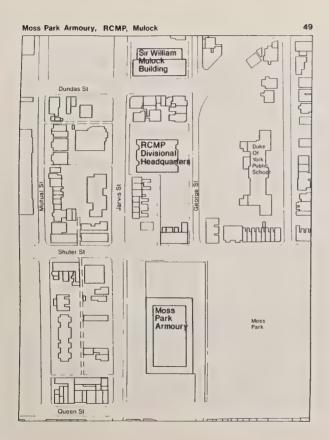
visibility and accessibility, created the right conditions for development, and the past few years have seen the construction of major residential and some commercial development. (Fig. 47)

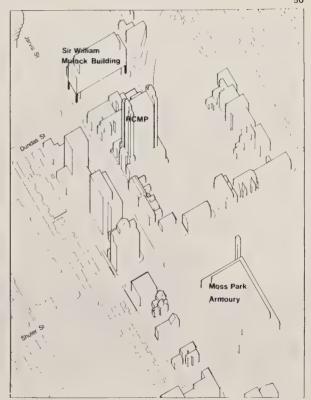
North of King Street, the city core has never made any significant moves to expand east beyond Yonge. However, with the flourishing development in the St. Lawrence area and the potential for waterfront development east of Yonge, the role of Jarvis Street as a major gateway to the waterfront takes on added significance. Regardless of the core's reluctance to move east, Jarvis Street is likely to become a major focus of development over the next five years.

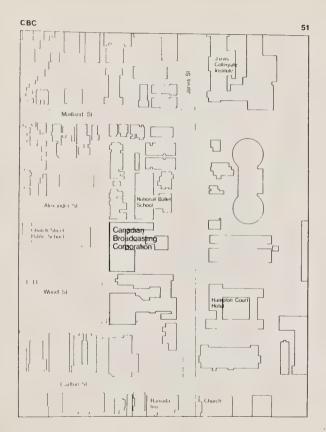
Whether by design or accident, there happen to be many large public land holdings along this corridor, starting at the waterfront with 35 acres of THC land under Order-In-Council control; 15 acres of Provincial land (declared surplus); the St. Lawrence neighbourhood (CMHC funded): the City's St. Lawrence Hall and Market complex; Moss Park Armouries and Moss Park; RCMP Divisional Headquarters, and the Sir William Mulock building. Two blocks north of this is the soon to be vacated headquarters and studios of the CBC. (Fig.48)

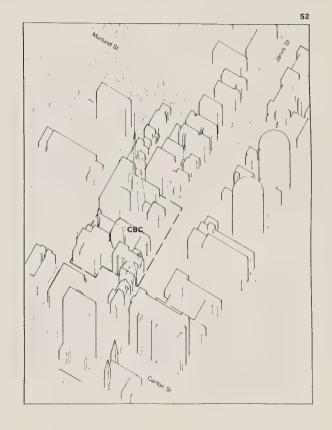
The City of Toronto has indicated an interest in working with the federal government to establish urban design guidelines, new zoning approaches and development plans and strategies for all the federal lands along this corridor. In this urban context a variety of competing federal interests, such as program delivery and highest and best use, have to be considered with respect to both federal and municipal planning, social and economic objectives.

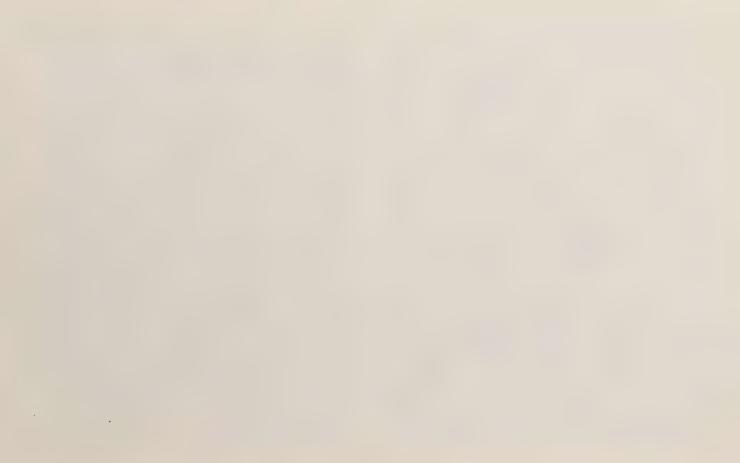












MOSS PARK ARMOURY

The Moss Park Armoury (Fig.49,50) is located on the north-east corner of Jarvis and Queen Streets on almost 4 acres (1.58 ha.) of land. The building consists of a large central space surrounded by two levels of offices, classrooms and ancillary facilities. It sits in the middle of the site, set well back on all sides from its boundaries. A full basement contains parking, stores and workshops. The fabric of the building is in generally good condition, however the ground floor is not designed to take heavy loads, such as vehicles or heavy military equipment.

While the building may appear to be an under-used facility, it is in fact very active. Four Militia regiments are stationed here along with maintenance, service and supply detachments from CFB Downsview, and four cadet corps. The Militia parade four out of five nights a week and every weekend, and much of the time the facilities are insufficient to accommodate all the activities properly. This is partly to do with the size of the building and partly to do with the inefficient layout.

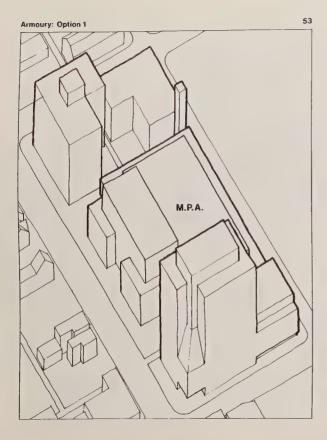
The large central space (130 x 240 feet) is used for parades, instruction, marshalling of equipment and sports. The surrounding spaces are used for regimental offices, messes, classrooms and quartermaster stores. The latter are extremely cramped and ill-suited for the purpose to which they are put. Military vehicles, which are parked in the basement, are also maintained

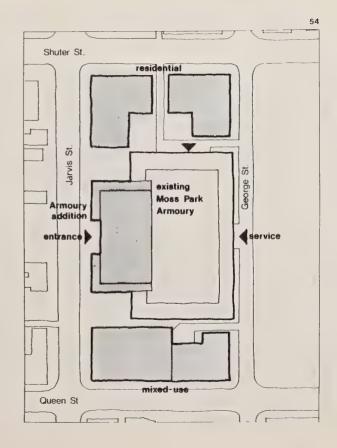
there. However, these facilities are inadequately designed for effective vehicle maintenance.

The design of this building (and the other two armouries in Toronto) is based upon the old plan of an open parade ground surrounded on four sides by barracks. While many of the same requirements remain today, the modern Militia are much more sophisticated than the buildings accommodating them. The recently released White Paper discusses the need for more equipment, better training and an increase in numbers which will mean that the Militia will soon outgrow its present home at Moss Park. It will have to be decided whether to establish sub-units elsewhere, expand on its present site or relocate.

Land Management

Moss Park Armoury is in a strategically important location on the Jarvis Street corridor at Queen Street. This, and its proximity to the core, make it a very valuable piece of real estate. A nearby property recently sold for \$150 per square foot. At this rate, the Moss Park site has a potential value on the open market of at least \$25 million. Therefore, it must be decided if the Armoury is the best economic use for this property, and determine whether or not the existing facility is providing the most efficient service. To this end a number of options for the future development of the property are discussed below. It is assumed





that some action must take place. The reasons being, first, that development will generate revenue: a fact that cannot be ignored if one is to follow good management practice. Second, development can address some of the planning and urban design issues on the Jarvis Street corridor, as well as help solve the future accommodation requirements of the Militia.

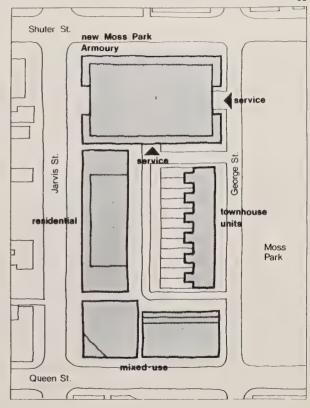
Option 1.

Retain existing structure and build around it. See Figures 53, 54.

This option has an advantage in that it can be implemented with relatively little disruption to existing facilities. While the potential for additional development is limited, a number of important planning and urban design objectives can be achieved. First, more housing can be provided in the area. The provision of housing, particularly affordable housing, is a primary objective of the City. Second, expansion of the existing armoury building westwards, and development of commercial and housing on the Queen Street and Shuter Street frontages, will create buildings closer to the street, and at a scale compatible with that of the street. This is a desirable urban design objective. Finally (and this applies to all the options discussed here), a new north south street along the east side of the site can be created. This would be an extension of George Street. Apart from being a

worthy planning and urban design objective, the extension of this street makes a much better edge to the public park.

The disadvantages are that existing surface parking would be eliminated. This means that parking would have to be provided within the new development. This is costly. Furthermore, the area of land available for development (about 75,000 s.f.) is limited. However, using the figure of \$150 quoted above, the potential revenue from disposal of land would be in the order of \$11 million. Generally this option is limited by having to cope with existing physical constraints, in much the same way that any infill development has to.



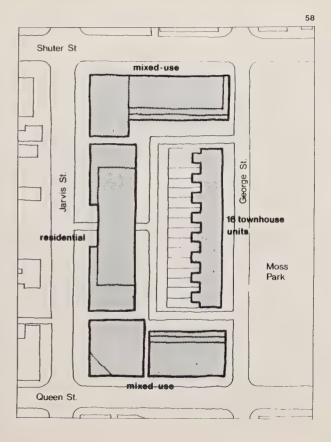
Option 2.

Build a new Armoury facility on the site alongside a major mixed use development. See Figures 55, 56.

In this option more land could be made available for new development: about 110,000 square feet. Using the same figures as above, the amount of revenue generated from disposal of land for a mixed use development would be \$16.5 million. On the remaining land a new armoury could be built. This would have the advantage of creating a facility tailor-made for a modern Militia force.

Some important planning and urban design objectives are also achieved in this option. Apart form the provision of more housing within the area, a significant commercial development at the intersection of Queen and Jarvis Streets is consistant with the objective of up-grading the area generally and reinforces the idea of making Jarvis Street a major gateway to the waterfront. The design of the new development could also ensure that the urban design objectives of the City would be met.

However, there are problems involved with the proposition of a new Armoury building. It involves the creation of an entirely new concept in the design of such a facility. The development of the building program would involve many people, and as in the introduction of any new idea, concensus on an appropriate direction might be difficult. Finally, the cost of a new facility could be considerable. On the other hand, the cost benefit of this proposal could far outweigh any disadvantages it may have.



Option 3.

Re-locate the Armoury to another site and create a mixed-use development on the entire property. See Figures 57, 58.

The great advantage of this option is that new development could proceed without having to deal with existing constraints. Furthermore, the planning and development objectives of the City can be met more easily in situations where the site in question is free of all encumbrances. This is also the option that would create the greatest financial return. Using the same formula as above, monies generated from the disposal of land would be in excess of \$25 million.

However, this is also the option that would present the greatest difficulty to the Militia. The problems of moving a facility like this are discussed in Appendix I of this report. Even if such problems could be overcome, where could a suitable site be found and at what cost?

Recommendations

The opportunity exists here for the provision of better service in the future to the Militia, while at the same time meeting important planning and urban design objectives. Furthermore, the development potential of this site suggests ways in which highest and best use might be secured. To these ends, the options described above should be persued in greater detail.



RCMP DIVISIONAL HEADQUARTERS

The RCMP Divisional Headquarters (Fig.49,50) is situated on the east side of Jarvis Street in the block between Shuter and Dundas Streets and is comprised of some 160,000 square feet (14,865 s.m.) of floor area sitting on 1.8 acres (0.73ha.) of land. The greater part of the building is given over to offices. On the lower floors are recreational facilities, a cafeteria and dining rooms. There is also accommodation for out of town staff. Parking for police vehicles is in the basement and on a surface lot to the north. The fabric of the building is in good condition having been recently constructed.

The RCMP have long outgrown the physical space available in this location and have annexed the majority of the Sir William Mulock Building (Fig. 48) located on the north-east corner of Jarvis and Dundas Streets. This separation is the source of inconvenience and inefficiency. For example, the drug squad has been split in two with the unit dealing with hard drugs being in one building, while the unit dealing with soft drugs is in the other. Furthermore, there is no room for the temporary expansion of facilities which causes significant problems when a dignitary, such as the Pope, visits the city, and the RCMP is required to expand its compliment of officers. Other reasons for expanding the force are of a more permanent nature: the policy to give twenty-four hour protection to all the consulates in Toronto or the recent decision by the government to expand the fight against drugs.

Land Management

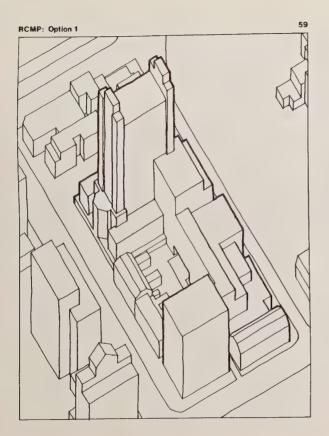
The RCMP are well aware of their limited accommodation and decided some time ago that they would have to enlarge their existing building by 80,000 to 90,000 square feet, and add space for a further 200 vehicles. However, the area available for expansion is limited to a small piece of land located to the south-east of the existing structure and fronting on a residential street. This property is currently leased to the City of Toronto. On the south of this property is a row of historic terrace houses which are designated under both the provincial and federal Heritage Acts. Recently PWC has taken measures to protect the buildings by shoring up and bracing the north facade which was threatening to collapse. Demolition of these structures was opposed by the City. Both the piece of land mentioned above and the terrace houses are in federal ownership. The physical problems of a constricted site have been exacerbated by the City's opposition to the RCMP's expansion plans, which called for a building larger than the zoning would permit as well as the demolition of the historic properties. However, they are continuing their attempts to get this project approved.

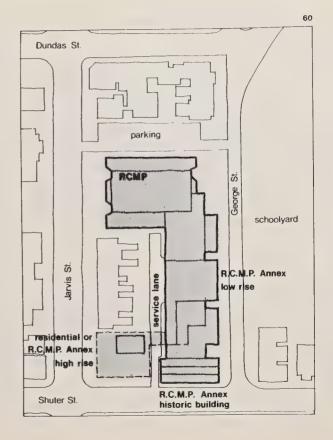
One solution to this dilemma might be to construct a joint RCMP/Militia development on the Moss Park site. (Option 2 described above could accommodate this proposal.) However, such a proposal met with considerable opposition when suggested to senior officers at Divisional Headquarters. They explained that



while they can make do for a while with an expanded facility, a commitment to a major new building project would compel them to think beyond their current crisis to a situation that would remove them from the centre of the city altogether. In other words, a building addition might do for ten years or so. Beyond that, however, a much larger facility outside the city centre would be contemplated. In this situation, a presence would be maintained downtown, but in much smaller premises. (A floor or two in a downtown office building might suffice.) The new building could be located in North York, Mississauga or Scarborough - somewhere consistent with its role as a regional headquarters. However, if an out-of-town facility was not feasible, consolidation on the Moss Park site remains a possiblity.

Two scenarios can be described. First, the RCMP stay on Jarvis Street for the next ten years or so, providing they expand on their present site. After that they move out of the city to a new location. In the second scenario they move out of the city right away. However, this only makes sense if a suitable site can be found right away and a decision to build upon it is made immediately. The RCMP cannot suffer its cramped quarters much longer. With these possibilities in mind, the following options have been developed.





Option 1.

The construction of an RCMP Annex. See Figures 59, 60.

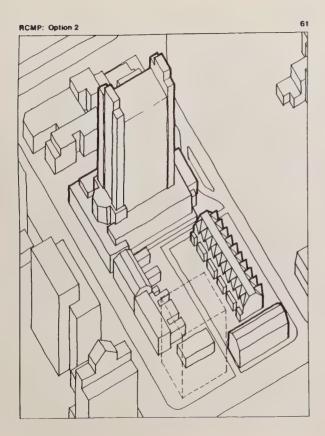
In addition to the fact that the space requirements for the Annex exceeds the current zoning on the George Street site, there is the urban design problem of trying to fit a large building onto a small site, on a residential street, opposite a school. These problems could be more easily overcome if the Texaco gas station at the corner of Jarvis and Shuter Streets was acquired. The extension along George Street could then be designed in scale with its neighbours and vehicular access could be off Shuter Street, rather than off George Street, where it would present problems for the school. The other objection of the City can be addressed by rehabilating the historic buildings on Shuter Street for use by the RCMP.

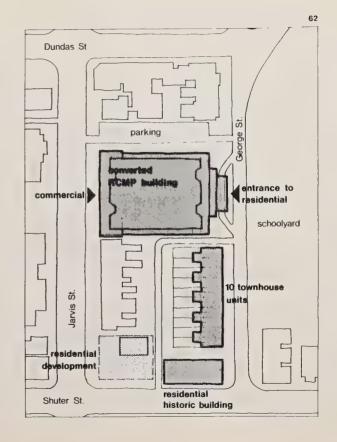
If the gas station site cannot be aquired, (for reasons of availability or cost), the planning and urban design problems become more difficult. However, they are not insoluble. While a sophisticated architectural solution will go a long way to solve the urban design objectives for this site, the issue of density will remain. However, by retaining the historic building and creating an imaginative architecture, the City may be willing to consider a re-zoning that would permit the additional space required. In any event, an attempt should be made in all instan-

ces to get vehicular access off Shuter Street by utilizing the \min -block service lane.

If the gas station cannot be acquired outright, perhaps the owners would be willing to consider leasing the site for the purposes of constructing a building. This would not necessarly involve the removal of the gas station as a function within the development. It might, however, make the site more available for use by the RCMP.

As the RCMP will eventually outgrow even an expanded facility on this site, it would be prudent to protect investment in new buildings by ensuring adaptability. For example, the building along George Street should be convertible to housing. If a building were to be built on the gas station site it should be designed as commercial office space. If these building were clearly adaptable, it might further encourage the City to be flexible with respect to their current zoning regulations.





Option 2.

Relocation of RCMP Divisional Headquarters and the creation of a residential development. See Figures 61, 62.

Assuming that a suitable site outside the city centre could be found right away, and a decision to build upon it made immediately, another decision would have to be made about what to do with the existing building and associated lands. This decision would be guided by considering the highest and best use in concert with the City's planning objectives. It would also be important to understand the development potential along Jarvis Street - this may or may not be consistent with the City's planning objectives.

The pattern of recent development along Jarvis street seems to be characterized by major mixed-use developments at major east-west intersections. (See Fig.47) Mid-block development, on the other hand, seems to be following a trend towards residential alone. Considering that immediately south of the RCMP building there exists a row of houses, and that George Street is also residential, it is reasonable to conclude that housing for this site makes sense from both a planning as well as a development point of view.

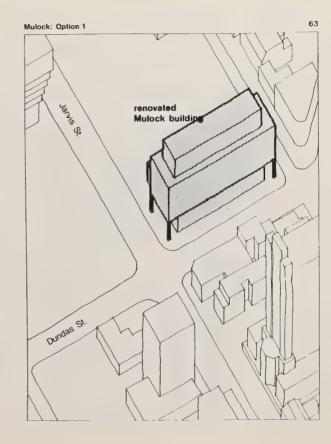
This option suggests the existing RCMP building be converted to residential. A suitable form of housing might be senior citizens

accommodation, or even a nursing home of some kind. The large spaces on the lower floors would be suitable for common areas, often found in these kinds of buildings. It could also be converted into a condominium, using the lower floors for recreational facilities.

The west side of George Street naturally suggests some form of low scale townhouses, while the corner site at Jarvis and Shuter Streets (if acquired) would be a good location of a higher density apartment building - similar to that which exists on the north west corner of the intersection.

Recommendations

The amount of financial investment required to extend the present facilities on this site appear hardly worth it, given that the RCMP are likely to outgrow them after a relatively short period of time. This option should be weighed very carefully against that of re-locating outside the city centre. Every effort should be made to secure a suitable site immediatly. For example, if lands at CFB Downsview were to become surplus in the near future, this would be worthy of very serious consideration. The options offered here should be developed in greater detail, and if necessary expanded so that creative and informed decisions can be made to effect more efficient provision of service, achieve a more economic use of land and to meet municipal planning objectives.



SIR WILLIAM MULOCK BUILDING

The Sir William Mulock Building (Fig 49) is located on the northeast corner of Jarvis and Dundas Streets and is comprised of some 136,000 square feet (12,600 s.m.) on 0.8 acres (0.32 ha.) of land. The greater part of the building is occupied by the RCMP. Other federal departments occupy the remaining space. There are fifty-three undergroud parking spaces, all of which are assigned to the RCMP.

The building was built in 1964 and is in relatively good condition. However, asbestos was used in its construction, and when partitions are moved, the asbestos in the ceilings and walls gets into the air. From an architectural point of view the building is undistinguished. In terms of its efficiency as a commercial building, it hardly meets contemporary standards.

The current zoning for the site is CRL2 U150. This permits the construction of a commercial building equal in area to two times the area of the lot; or a residential building at a density equalling 150 units per hectare, or a mixed use building equal in area to two and one half times the area of the lot. The area of the present building is equal to four times the area of the lot, or twice as much as the current zoning permits for a commercial building.

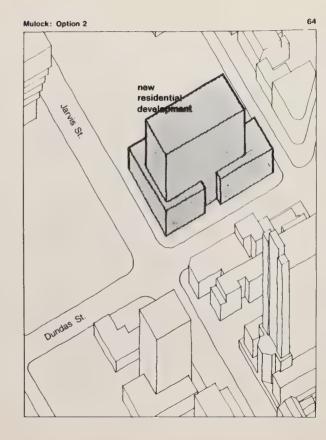
Land Management

If the RCMP were to expand their facilities on their site, or move to another location, there would be little justification for other federal departments to remain here. Given this and the physical nature of the building, a number of options can be articulated. These ought to be considered in the light of the City's broader planning objectives for the area as well as the issue of highest and best use.

Option 1.

Renovate building to bring it up to standard. Figure 63.

Given the building is at a density twice that permitted by the zoning by-law, it has a potential value greater than a new one would have under the same regulations. However, to realize this value, significant renovations would have to be made. An architectural and engineering analysis could determine what these would be. For example, the asbestos problem needs a solution; the windows are an energy inefficient single glazed system, and the appearance of the exterior would fail to attract prospective tenants.



Option 2.

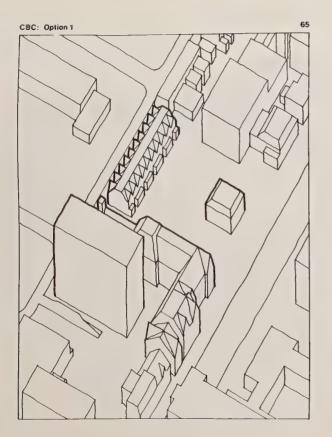
Re-zone and re-develop. Figure 64.

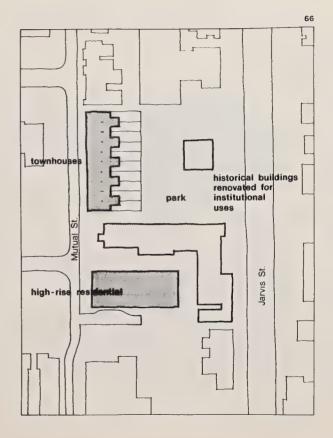
If a renovation program did not make sense from either a financial or marketing point of view, consideration should be given to re-development. While the current zoning permits less gross floor area than the existing building contains, there is a possibility the City would look favourably upon a re-zoning for this site. It is assumed that demolition of the existing structure would not make economic sense without an increase in the permissible density.)

The City's planning objectives for this area are not limited to what is written in the zoning by-law. Discussions with staff from the City's Planning and Development Department indicate that an increase in density would be favourably considered if assisted housing were to be a part of an application for an up-grading in zoning. Similar consideration would be given a proposal that included some kind of appropriate community facility. A purely commercial development would be viewed in terms of the existing by-law and on its own merits. A mixed commercial/residential proposal may be received more sympathetically than that.

Recommendations

A feasibility study should be carried out to assess the viability of renovating the Sir Willaim Mulock Building for the purpose of leasing it commercially or selling it. At the same time, rezoning and re-development options should be thoroughly investigated.





CBC STUDIO AND OFFICES

The existing CBC facilities (Fig. 51) cover 2.8 acres (1.13 ha.) on the west side of Jarvis Street, between Carlton and Wellesley Streets. The complex is an ad hoc collection of structures made up of relatively new studios and two old historical buildings, (renovated and extended), one on which was once occupied by Havergal College. (The original college chapel, which still exists, fronts onto Mutual Street.) CBC plans to call for the consolidation of all its Metropolitan Toronto operations at the location of their Front and Simcoe Streets site. This reorganisation will likely eliminate the need for this facility.

In agreeing to an increase of density on the Front/Simcoe site, the City requested that the CBC use its best efforts to secure assisted housing on its surplus sites. Housing development on the Jarvis Street site would be consistent with both the City's planning objectives for the area as well as fitting into the mixed-use character of its surroundings.

Land Management

If these facilities were to be declared surplus by the CBC, there would be no obviously viable use for the existing buildings, and it is difficult to imagine the studios being converted to some other function. It would therefore make sense to consider re-

development.

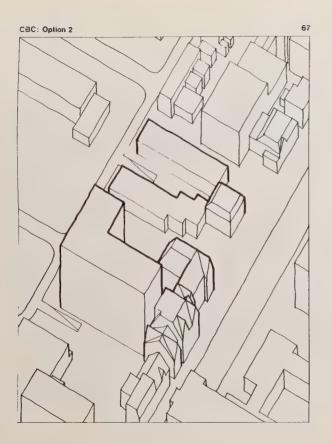
As indicated above, the City has already declared its preference for assisted housing on this site. This is not in conflict with issues of highest and best use, particularly when considered in the light of trusteeship and inter-governmental relations. In this respect, therefore, two options are discussed below.

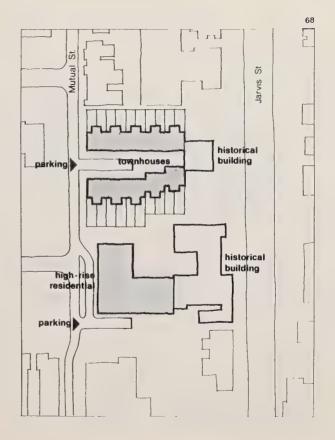
Option 1.

Residential and Institutional. See Figures 65, 66.

Considering the number of institutions in the area, (The National Ballet, The Red Cross, Family Court and Hospitals), it would be reasonable to consider similar uses for the existing historical properties. There are institutions that can be accommodated very easily with such buildings. In fact, some institutions specifically seek out historical properties because their character is consistent with the associations they wish to exhibit.

If an institution wished to occupy one or both historical structures, the remainder of the site could be developed for housing with no conflict between the two uses. The remaining site is large enough for a variety of housing forms.





While existing zoning by-laws will have to be taken into consideration, the overall social, planning and urban design objectives of the City will have a major influence on the precise nature of the development. It is likely that a re-zoning process will be required for this site in order to meet both the goals of the city and the financial requirements of the federal government, as these relate to issues of highest and best use.

This option allows for approximately 50,000 sq. ft. (4,500 s.sm.) of institutional uses in the historic properties, 20 townhouses, and 145-185 bachelor, one and two bedroom units, in a highrise building, 12-15 stories is height.

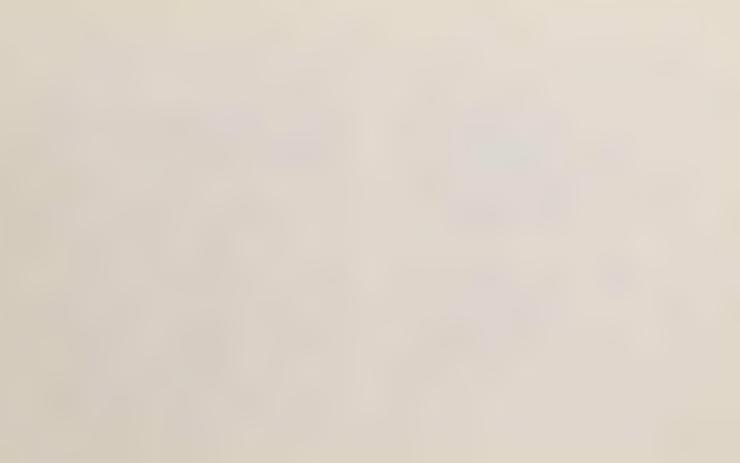
Option 2.

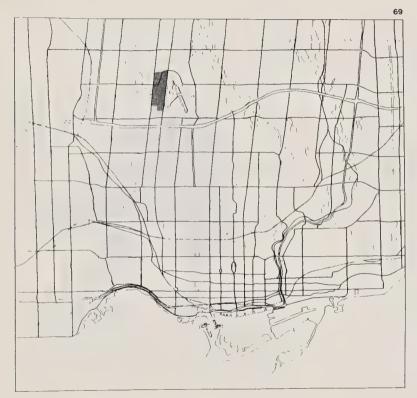
All residential development. See Figures 67, 68.

An entirely residential development could be developed using some, if not all, of the historical structures. In this option a total of 270-315 units are created. (45 townhouses, and 225-270 bachelor, and one and two bedroom units in a highrise building of 12-15 stories in height.)

Recommendations

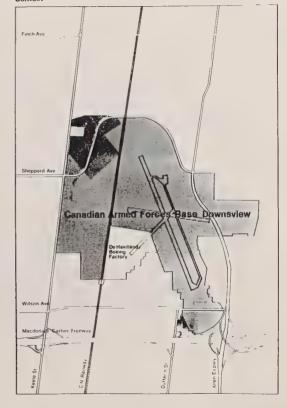
When the CBC renders this site surplus, every effort should be made to meet the City's housing goals for this area. The two options described above should be investigated in order to arrive at a development proposal that meets the goals of both the federal and municipal governments.





4 (iv)

The Keele Street Corridor



C.F.B. Toronto (Downsview) "The Keele Street Corridor"

BACKGROUND

This site is strategically located (Fig. 70) and much of the 400 acres (162 ha.) which lie between the C.N. tracks and Keele Street appear to be under-utilized. A number of questions can be raised. For example, what are the physical requirements of the D.N.D. within the area and can these be consolidated? If consolidation is possible, what does it involve and how much land would be freed up? Should such land be developed, and if so, how? For the purpose of this investigation, it has been assumed that there are no compelling reasons to move the military base from its present location at Downsview.

Military Functions

C.F.B. Downsview performs a number of important and discreet military functions. First, it is the location of one of four Canadian Forces Supply Depots situated throughout the country. (Moncton, Montreal and Edmonton are the other three.) These depots supply the armed forces at home and abroad with everything

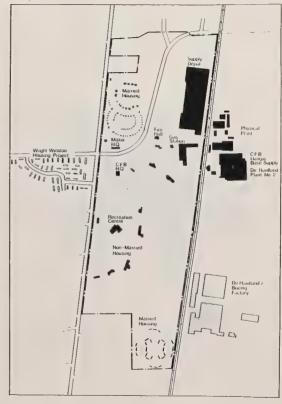
from paper clips to jet engine parts. The depot building itself is a huge, one storey structure covering 20 acres (8 ha.). A tour of the interior reveals a sophisticated processing operation where goods are received, stored and dispatched. Some 300 tons of material are received and a similar quantity dispatched daily.

Downsview also supports all other military bases and activities within the "Golden Horseshoe" area of southern Ontario. This support activity is quite separate from the Supply Depot function and involves everything from the repair of vehicles to the fitting-out of Militia units; from payroll to personnel services. It is a centre of technical and administrative services.

In addition to the above, Downsview is the national centre for pilot selection. Anyone who wishes to become a pilot in the armed forces comes here and undergoes a course aimed at selecting those most suitable for further flight instruction.

There is also a tactical helicopter wing comprising some seven aircraft and manned by the Reserve. The main function of this unit is pilot training. The aircraft themselves are supported and maintained at the base.

C.F.B. Downsview is home to The Defence and Civil Institute of Environmental Medicine, a centre for research comprised mainly of offices and laboritories. Significant among these are atmos-



pheric pressure chambers where high altitude flying or deep diving conditions can be accurately simulated.

Finally, Downsview supports visiting aircraft. For example, during the Canadian National Exhibition, the base provides communications, landing facilities, fuel and other services.

Facilities

The physical plant required to house all these activities comprises workshops, warehouses, hangers, offices, lecture halls, kitchens, messes and living quarters. In addition to the above are recreational facilities, a hospital, a church, a local store and a gas station. (See Fig.71) In short, C.F.B. Downsview is a self-sufficient community and provides employment for 1,000 military personnel and 1,000 civilians.

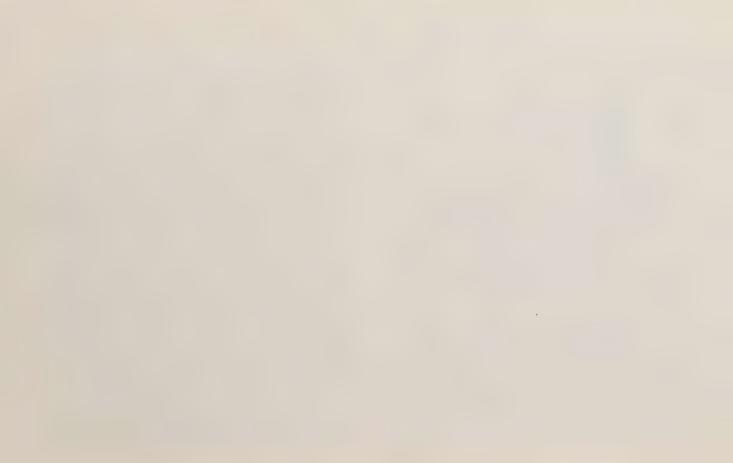
With respect to the lands west of the C.N. tracks (which are used for passenger and freight service, and specifically for occasional freight service to the Supply Depot), the facilities described above are scattered over a wide area and there appears to be little or no rationale for the location of buildings. As land was apparently plentiful and cheap, structures have been erected where expediency directed. This dispersed and seemingly random placement of buildings is inefficient for operations and personnel alike, wasting both time and energy.

A convincing argument can be made for consolidating these facilities within a tighter geographical area - an argument supported by senior officers on the base.

With the exception of the Supply Depot and living quarters, most of the other facilities are accommodated within the old de Havilland factory buildings. A tour of the base leaves one with the impression that C.F.B. Downsview is a military base inconveniently accommodated within an abandoned aircraft plant. Offices, workshops, storage areas, and lecture halls are carved out within these enormous industrial structures as well as constraints permit. (Fig.71) Even the seven helicopters are dwarfed by the huge assembly building in which they are housed.

While it can be argued that the present functions require an area on plan equal to that which they currently occupy, they do not require the same volume. For example, a vehicle workshop is contained in a space three times higher than it need be, and a warehouse in a building twice the required height. As both these facilities have to be heated in winter, the volume of air so heated is considerably greater than needs be. Furthermore, the buildings are old, with little or no insulation, and heat loss through air infiltration alone must exceed acceptable limits.

A life cycle costing analysis of these buildings could be carried out to determine the benefits of retro-fit versus new construction. The current policy of "making do" is costly and ineffi-



cient. This analysis could be carried out in parallel to a consolidation study; and if the conclusions of such investigations were acted upon, a more efficient operation on less land would more than likely be the outcome.

Living Quarters

Current D.N.D. policy requires that all officers and non-commissioned members, who are undergoing training, be accommodated on base. While existing on-base housing for married and unmarried personnel will continue to be maintained, it is the intention of the Department not to provide any new accommodation within urban areas, providing the local economy is capable of providing alternative housing. In depressed or remote areas, new housing is provided, if required.

For those with more than a year of service, there is limited accommodation on the base for unmarried officers and non-commissioned members, and about 210 dwellings for families. This is allocated on a point basis. Some automatically qualify by virtue of their job or position (eg. the base commander).

Adjacent to the base, on the west side of Keele Street, is the Wright Winston project - a private housing development leased to the military (See Fig. 71) which houses 300 families. However, the lease on these properties expires in 1995. As curent policy

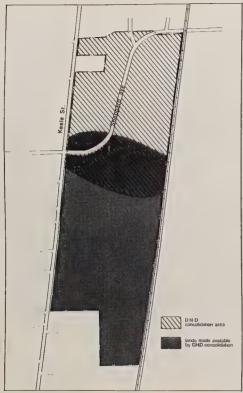
dictates, these people will have to find accommodation elsewhere within the metropolitan area when the time comes.

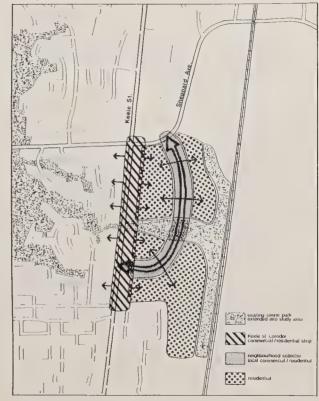
Most military postings last about three years after which personnel move on. Finding accommodation in a city like Toronto is difficult at the best of times for anyone, but for a member of the armed forces, married or not, coming to Toronto for the first time and being faced with both the cost and scarcity of housing, it must be a daunting experience. Some members take on additional work in order to meet the high cost of living.

Senior officers at Downsview are sensitive to this problem and are particularly concerned about what will happen in 1995 when 300 families are displaced from the Wright Winston project. Their preference with respect to this specific issue would be to accommodate them on the base. Generally, the opinion expressed was that married quarters should be provided on or adjacent to the base on land owned or controlled by the Department. Furthermore, an opinion was expressed by senior officers that housing for unmarried officers and non-commissioned members should be available on the base for all who wish it.









OPPORTUNITIES & CONSTRAINTS

If the physical plant at C.F.B. Downsview was consolidated and rationalized (resulting in economy and greater operational efficiency), it is likely that a considerable amount of land could be rendered surplus with respect to military use. While the actual amount of land involved would be determined in large part by a consolidation and rationalization program, other issues, such as protection for future expansion and the provision of living quarters for military personel, would also have their effect.

Development Potential

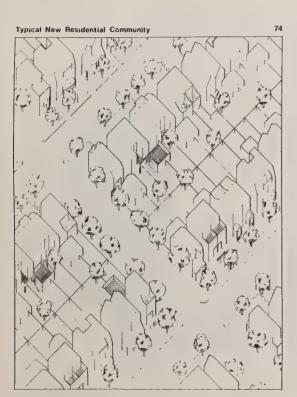
The land made available through the process described above would be in the order of 200 to 250 acres (81-100 ha) and its potential is considerable (Fig. 72). Options include industrial, commercial and residential development. However, through discussions with officials at The City of North York and as a result of these investigations, it is concluded that a predominantly residential development with a mix of commercial (and perhaps a limited amount of industrial) would be most appropriate.

Such a development would see the creation of an entirely new North York community, with its own schools, parks, stores and other support facilities. It could contain a mix of housing with various forms of tenure for a variety of income groups. Housing might also be provided within the new community for military personnel. (Fig. 73, 74, 75)

Detailed planning would have to determine the actual size of the community and the extent and nature of ancillary facilities, but a preliminary study indicates that between 4,000 to 5,000 housing units could be built resulting in a community of between 10,000 to 15,000 people. If the average land cost per unit was \$25,000, the monies received from the disposal of housing land alone could be in excess of \$100 million. If land for commercial development were disposed of for about \$50 per square foot, 400,000 square feet of commercial space would generate an additional \$20 million.

The amount of monies recieved from the disposal of land varies with the quality of development and the mix of uses. Other issues affect revenue as well, such as the costs involved in consolidating the military facilities, the construction of new roads, services and open space development. Furthermore, cost sharing arrangements between various levels of government, and between governments and the pivate sector, will have a significant effect on revenues. However, regardless of detail, a development proposal such as this has the potential of generating considerable funds from the disposal of lands.

This new community would compliment the existing residential



Typical Mixed-use Development at Neighburhood Collector

development immediately to the south and to the west of Keele Street. Planning would ensure that these communities are reinforced, not threatened, by their new neighbour. Indeed, an important objective of any planning initiative would be to determine the needs and aspirations of all adjacent areas, residential or otherwise; and a primary objective of any new development within this area would be to support and strengthen the economic and social life of the Keele Street corridor in particular, and of North York in general. Another objective, of no less importance, would be to dramatically increase the stock of much needed housing within the Metropolitan Toronto area.

The Olympics

There is a possibility that the 1996 Olympics will be hosted by Toronto. If this happens there will be a need for a variety of development sites for various sports activities, as well as housing. While the Downsview site has not yet been earmarked as an Olympic venue, its potential is obvious. The proximity to Hwy. 401, Allen Road and the Wilson subway station, and the amount of available land, all make this site particularly attractive. Furthermore, a location in North York would be consistent with the stated objective of spreading Olympic activities throughout the metropolitan area and the region.

For example, Downsview would be an appropriate location for an

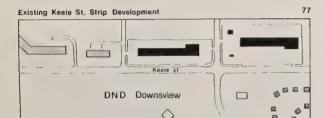
Olympic Village, providing a dynamic catalyst for future development. Improvements to roads, services and public transportation could be designed with reference to the new community, and any sports facilities could be incorporated into neighbourhood parks and recreation facilities. The potential for a symbiotic relationship between the two proposals is a compelling argument lending credence to both.

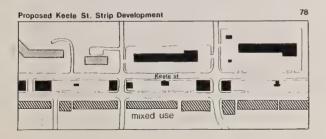
Keele Street

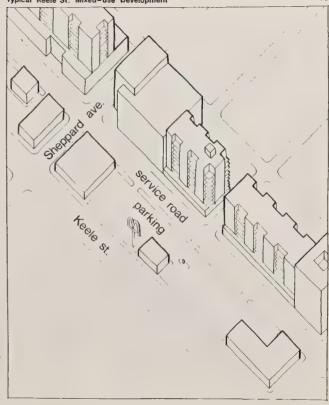
Setting aside the requirements of the military base, the gently undulating 400 acres (162 ha.) of land west of the C.N. tracks has no particularly challenging physical features to daunt the physical planner. Keele Street, however, is a physical element of a completely different order. It is an arterial road lined with commercial strip malls, gas stations and isolated apartment buildings. It differs from other suburban arterials only in that for 2.5 kilometers it is bounded on one side by virtually vacant land; this, and its typical strip characteristics, presents the physical planner with particular challenges.

For some, the suburban strip is the epitome of twentieth century suburban development, representing much of what is good in a consumer society. For others it is a disorganized eyesore, representing the worst aspects of commercial development and the planners' inability to control it. Nevertheless, the suburban









strip is a phenomonon that reflects the reality of low density residential development and our dependence on the automobile. Except where the strip displays the best of North American pop art, its architecture is dull. Furthermore, most strip developments do not work very well. Vehicular access off arterials is limited and difficult; individual store recognition is often non-existent; and parking is inefficient and costly.

The potential for development at Downsview presents us with the opportunity of re-thinking the suburban strip. This is not an academic exercise, but a practical way to ensure that any development on the east side of Keele is compatible with the existing neighbourhood to the west. A development on the Downsview site that ignored the western community would make Keele Street a barrier rather than a connector. The primary objective of all physical planning is to make good connections between what exists and what is new. Keele Street is the connector in this case, and its "rehabilitation" is the key to a successful plan for the area. (Fig. 76, 77, 78, 79.)

The Ravines

Later in this report (see Fig. 81) reference is made to the development of the ravines as an integrated park system within the metropolitan area. The Black Creek ravine virtually touches Keele Street opposite CFB Downsview. From this point, access to

the whole ravine system can be achieved by going north up the Black Creek ravine to the hydro right of way, just north of Finch, east along this to the West Don River or west to the Humber River, and south to the waterfront.

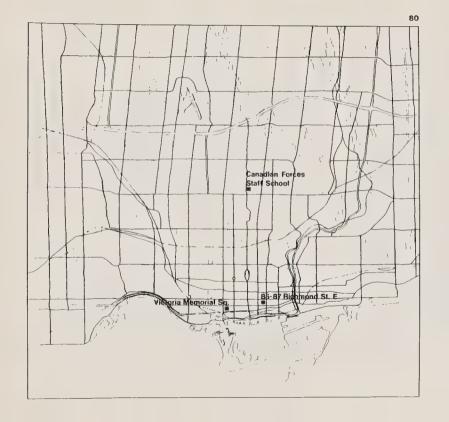
Any development plan for the Downsview lands should include a major connection to this ravine system from Keele Street. Furthermore, any open space plan for the site should be extended into the ravine system itself, thus reinforcing the connection at Keele.

DIPLEMENTATION

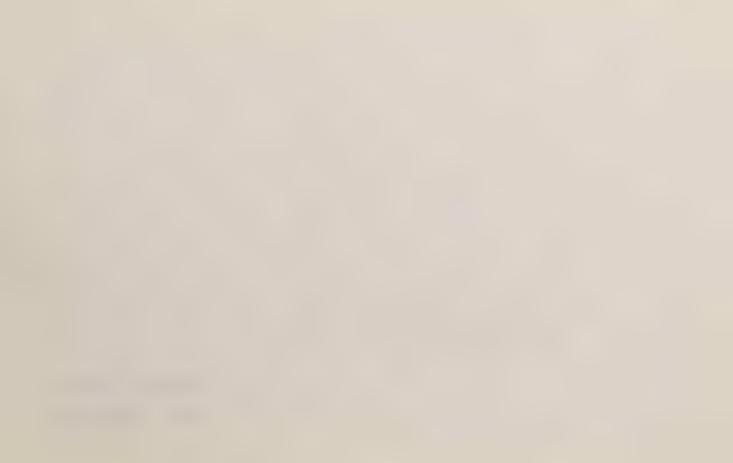
Any planning process for CFB Downsview must involve, from the outset, all relevant constituents. First, there are those who are most directly affected, namely: CFB Downsview and the adjacent communities. They will be assisted in their representations by the appropriate officials from the Department of National Defence and The City of North York respectively. Other Federal Departments may also become involved, along with departments from the City of North York. It is imagined that political representation would be from all three levels of government. However, it should be clear that the major responsibility for the planning and development of lands within a municipality, lie with the municipality itself, and not with anyone else.







Other Sites and Issues



Canadian Forces Staff School - 1107 Avenue Road

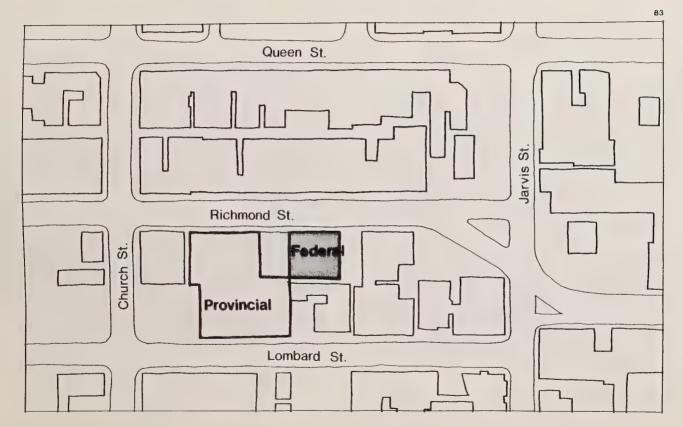
This Canadian Forces Staff School occupies 7 acres (2.83 ha.) on the east side of Avenue Road, immediately south of Roselawn Ave. In addition to its function as a staff school for the military, this facility is the headquarters for the Toronto Militia District and accommodates the Regional Offices of Defence Construction Canada. Physical structures on the site include the old Toronto Hunt Club building, (currently used as a drill hall and gymnasium), classroom facilities, officers' messes and housing. Recently, a \$5 million housing complex was built on the property. Despite the new expansion, however, this facility remains cramped and overcrowded with no room for expansion.

Local issues focus on the North Toronto Community Centre dispute this site being one possible location for the provision of these community recreational facilities. Another use for this property which has been raised from time to time, is senior citizens' housing. North Toronto has one of the highest concentrations of senior citizens in the City, and it is felt by some that insufficient seniors' accommodation is being provided in the area. In short, 1107 Avenue Road remains very much on the City's political agenda.

It is not surprising, therefore, that when the military decide they would like to make additions or modifications to their property, they are faced with objections from the community. As the facilities are already inadequate, such changes have to be made from time to time just to keep the place operational. As if this situation was not aggravating enough, some senior officers expressed the opinion that the staff school would be better off at CFB Downsview. This location offers all the support facilities the school requires, and room to expand. The new housing at Avenue Road was the source of disappointment for a number of officers who believed that the new buildings would have been better off at Downsview where they are badly needed.

RECOMMENDATIONS

The Department of National Defence should review the practicality of maintaining this site as the location of a staff school given the on-going problems of cramped facilities and community aspirations. The review should consider CFB Downsview as a possible location for those facilities currently accommodated at 1107 Avenue Road. If this site were to be declared surplus, the Federal government should enter into discussions with the City of Toronto to discuss ways in which this property could be acquired for the development of either community facilities or housing or both.



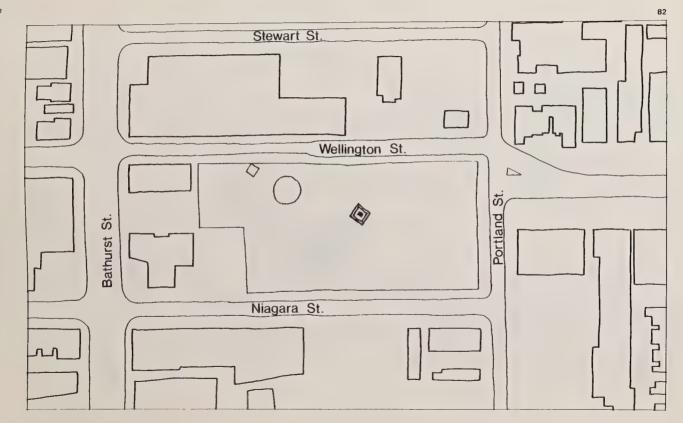
85-87 Richmond Street Rast

This is a small, under-utilized property, owned by Public Works Canada, who currently use it for the storage of maintenance equipment and some inside parking. It is adjacent to a much larger Provincally owned property to the west, which has been slated as a possible site for co-operative housing.

The size of this site (less than 8,000 square feet, 0.07 ha.) limits its potential as a practical development parcel. However, if united with its westerly neighbour, the development opportunities would increase dramatically.

RECOMMENDATION

In order to meet the Provincial and Municipal objectives of providing more affordable housing in areas where it is most needed, the Federal Government should enter into an appropriate joint venture arrangement with the Province to develop both these sites as a single co-operative housing project. This would also be consistent with respect to achieving goals of highest and best use, as these relate to overall issues of "public trusteeship" and inter-governmental relations.



Victoria Memorial Square

BACKGROUND

Victoria Memorial Square is a 2 acre (0.77 ha.) park located just east of Bathurst Street at Wellington Street. From 1793 it has been the final resting place for some of York's earliest residents, including one of Governor Simcoe's children. During the War of 1812 it was used as a military burial ground, and the people who lived in the garrison or were connected to the early government of Upper Canada, continued to use it as such.

The original square was much larger than it is today. An 1835 map shows it bounded by Bathurst, Stewart, Portland and Niagara Streets - some four times bigger than it is today. As part of nineteenth century town planning in Toronto, the square had been designed to complement Clarence Square to the east - the two being joined by a wide boulevard - Wellington Place. However, between 1871 and 1878, Douro Street was put through the square, (in the alignment of Wellington Street), cutting it in half.

In 1939 the property was leased to the City of Toronto for the consideration of \$1 for use as a public park with the City being responsible for all maintenance expenses. In January, 1987, the Treasury Board Advisory Committee on Federal Land Management approved a recommendation that the property be sold to the City

for \$1, on the condition that density rights be transferred. However, in May 1987, the City informed Treasury Board that there were no density rights to transfer. Subsequent to this, the Treasury Board Advisory Committee on Federal Land Management authorized the disposal of this property to the City on the condition it remain a memorial park.

PROPOSAL

The present park is poorly used - largely because of its isolation and lack of visibility from either Bathurst Street or Spadina Avenue. While the area is zoned for both industrial and residential uses, no housing has yet been built. However, with the growth of the fashion industry, significant improvements are being made to surrounding properties. It is likely that this trend will continue and that the park will prove to be a valuable resource for workers in the area.

To improve visibility and use, a connection to Bathurst Street is necessary. Making this connection would also be consistent with the objective of restoring some of its original frontage. To achieve this, lands would have to be acquired or rights-of-way secured, from adjacent property owners.

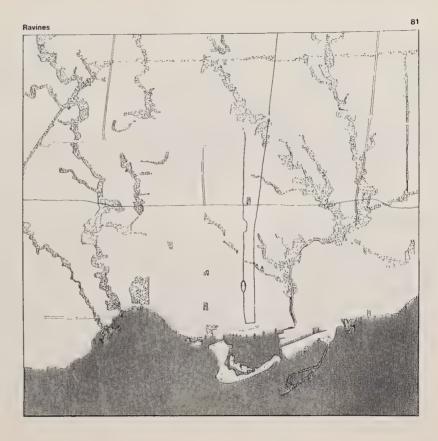
During meetings with staff from the Toronto Historical Board and the City of Toronto Planning and Development Department, discus-



sions were had regarding the improvement of the square itself. For example, its historic character could be enhanced by restoring some of the nineteenth century landscaping ideas, lost so long ago. The original headstones could be replaced in such a way as to contribute to their preservation. The existing monument (designed by a famous Canadian sculptor) should be repaired and a fund could be established for its future maintenance. A permanent, out-door interpretive display could be created which would tell the story of Victoria Square in its various incarnations.

RECOMMENDATIONS

The Federal Government, in co-operation with the City, should take the initiative in ensuring that definitive plans are made and implemented for the restoration of Victoria Memorial Square, along the lines outlined above. The Government should also consider bearing part or all of the costs involved in such a restoration program as part of its gesture in handing over this property to the City.



The Ravines

The natural ravine system that exists thoroughout Metropolitan Toronto is one of the greatest untapped recreational resources in the region. The ravines thread their way through almost every part of the city. Their potential as an interconnected open space system is extraordinary. They could, if developed, form one of the most unique public park systems in the world.

The Don River and Humber River valleys define the main northsouth arteries of the system. They are connected in the north by an east-west hydro right-of-way that runs just north of Finch Avenue. To the south, an extension of a waterfront park could connect the mouth of the Humber to that of the Don. Thus, a continuous system of public open spaces could be created for the benefit of all within the region.

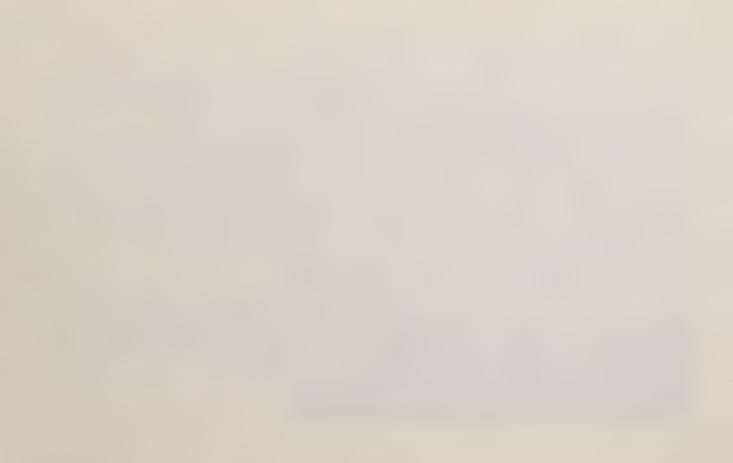
The great advantage of this idea lies in its simplicity. By and large the system already exists, and elementary physical interventions can make it happen. For example, modest connections could be made across roads, railways and rivers to ensure a continuous, safe, and uninterrupted route for pedestrians, cyclists and maintenance vehicles. Furthermore, access to and from the system would have to be convenient and visible from many parts of the city. These access points should be clearly identified, provide car parking and be near public transit.

The design and development of this system should guarantee the protection of the natural environment. For example, no physical interventions need be made other than a simple network of paths, lighting, drinking fountains, telephones and public washrooms.

Perhaps the most challenging aspect of this proposal is the issue of inter-governmental, and inter-departmental co-operation. For example, if such a proposal were to go ahead, it would be important to obtain, among others, the support of the Metropolitan Toronto Conservation Authority. Co-operation of the private sector would also have to be enlisted. With such support, a program designed to open up the ravine system could be initiated immediately and implemented over the next few years.

Recommendation

This proposal should be investigated in detail - after which recommendations should be made with respect to the physical implications and appropriate administrative management structure necessary to develop and manage such a system. As part owner in some key land, the Government of Canada should use its good offices to support such a study.





(5) TECHNIQUES

i) Proposal Calls

The Government of Canada is currently experimenting with a variety of innovative proposal calls on major projects. Although proposal calls (REP) have been used for some time, the scale, the complexity of ownership and uses, and the sophistication of the financing of recent projects are quite new.

The proposal call approach is a legitimate technique for any land management strategy. This report will only touch the surface but will define the issues in broad terms, comment briefly on some current examples within the Government's jurisdiction and suggest what further study should be done.

Examples

City of Toronto - City Home projects

Metro - New Metro Municipal Building

THC - Stadium Road (land)

- M.T. 27 (land)

Province - Hydro Headquarters

- Dome Stadium

 $\label{eq:Federal Government - Harbourfront (more than half a dozen \\ examples)$

- CBC (English Broadcast Centre)
- Terminal 3 (LBTIA)

- NCC Daly Building
- Chambers Building

Basic Objectives

- Flexibility and creative solutions
- Negotiate maximum benefits for the Government

Some issues

- Proposal calls are expensive for the proponents and the evaluators.
- Judgement calls assessment criteria can not always be "scientific",
- Political intervention when and how?
- Stable objectives don't change objectives and rules in mid-course.
- Clarity of decision making process structure and timing.
- Minimizing uncertainty up-front clear title, zoning, etc.
- Choosing a developer or a development?
- Is the proposal call just a tender call in disguise?
- Negotiations after winner chosen?
- Negotiations before winner chosen?
- Need to prequalify?

- Conflict public scrutiny versus private negotiation.
- Proposal call with or without zoning in place?
- Clarity of financial objectives profit, base rent, sell or lease, risk, etc.
- Credibility of some public agencies.
- Independent outside evaluation panel?

Proposal Call Example - Toronto CBC Broadcast Centre

The proposal call process was reviewed, not the proposals. The CBC project team has done considerable research and has put a great deal of effort in designing a fair, clear, impartial process to obtain a high quality, well designed and financially beneficial result.

The Director of Planning and Development for the Broadcast Centre Project provided the followng material:

"Background

Three of North America's top developers are competing to develop the CBC's Broadcast Centre on the CBC's Front Street property. An early 1988 construction start is achievable. The three competing developers, Cadillac Fairview Corporation, Campeau Corporation and Trizec Equities are responsible for some of the most significant development projects in Canada and the United States.

All three Submissions will be analysed carefully and extensively to determine which best meets the project goals and objectives. The process leading to the selection of the successful proponent will take several weeks to complete.

Following the selection of the successful proponent, completion of the final agreement, and approval by the CBC Board of Directors, the project will be sent to Cabinet for final approval through an Order-In-Council.

Evaluation/Selection Process

Objectives of Evaluation and Selection

The broad objectives of the entire evaluation/selection process are:

- to evaluate the proponents' submissions against the goals and objectives of the project as stated in the proposal call;
- to ensure a satisfactory outcome which has taken all factors into consideration;
- to ensure an impartial, thorough and fair process; and
- to ensure the confidentiality of the submissions.

There are a number of risks inherent in any evaluation and selection process and all appropriate measures are being taken to minimize risk.

A structured evaluation process, using tested evaluation procedures and skilled and experienced evaluators, is the best

assurance of accurate advice to the CBC's Board of Directors.

ii) Objectives of the Proposal Call

The proposal call is specific with regard to overall project objectives and objectives for the Broadcast Centre itself.

The Broadcast Centre Development Project is to be a successful, integrated, mixed-use development — with the Broadcast Centre, as its major element, to be in operation as soon as possible.

The key financial objective is the best overall financial result to the CBC, including the lowest annual occupancy cost of the Broadcast Centre. The project is to have longterm financial value in which the CBC will participate to the greatest possible extent.

The objectives of the Broadcast Centre itself are to ensure maximum operating efficiency, the most cost-effective facilities, and optimum flexibility to accommodate change. The Broadcast Centre is to provide a strong CBC presence on the site and to create significant public spaces and activities which complement the CBC.

The project is to have a positive national identity and be recognized internationally as a project of enduring architectural merit.

iii) Evaluation and Selection

Evaluation and selection will be based on the submissions received from proponents - which are based on the proposal call. Each submission contains three responses: development, financial and graphics.

There are three basic subject areas or variables for evaluation broadly reflecting the three areas of response: architecture and planning, finance and development. These three subject areas are the core variables for evaluation.

In a traditional evaluation, one or more of the variables is normally fixed, leading to a single-tier evaluation (for example, building design or building price may be fixed). In the Broadcast Centre Development Project proposal call, none of the major variables have been fixed, by intention, and the proponents' submissions will differ from one another with respect to the major variables. (The proponents are, for example, competing over the CBC's building and may or may not alter the concept plan. The building cost is part of the competition; as is the land value or rent to be paid by the developer to the CBC, and conversely, the rent to be paid by the CBC to the developer.)

As a result, a three-tier evaluation process is proposed to deal with this more complex set of evaluation variables. The sequence is as follows:

- First, a review for compliance is being conducted to ensure that all requested documentation and information has been provided. Clarification of information will follow this review for compliance and an extensive period of technical preparation precedes the comparative evaluation.
- Second, a comparative evaluation will be conducted using tested evaluation techniques to determine the relative

merit of success of each proponent in meeting the objectives and requirements of the project. The comparative evaluation results in a numerical ranking of the three proponents' submissions and identification of other factors not assigned numeric ranking.

 Third, an executive evaluation will permit assessment of the risks and benefits of each submission for final selection and recommendation.

The evaluation will incorporate and recognize the comments and observations of its participants, and further identify issues or concerns important to the subsequent negotiation with the successful proponent leading to a Letter of Intent.

The project office will draw upon professional architectural, engineering, development, legal, financial and other special expertise, internal and external, as required to ensure the reliability of the process and the results.

iv) Comparative Evaluation

Comparative evaluation is an evaluation procedure used to determine, on a comparative basis, the relative satisfaction of a requirement. The basis of evaluation can be subjective or objective and is performed by skilled evaluators using pre-defined evaluation ranking procedures. Skilled evaluators are drawn from project consultants, project staff, and other internal and outside experts as required.

The actual comparative evaluation, which will take place over

a 2-3 week period, follows the review of the proponents' submissions during the compliance, clarification and technical preparation stages.

The teams conducting each area of evaluation will number three persons — experts in the subject area. The three evaluators are required to agree on the data entry into each line component of their team's evaluation.

The evaluators will have access to the proposal call source documents and to those response materials required to carry out their specific area of evaluation. In addition, the evaluators will have access to internal and external experts retained by the CBC to assist as required during the evaluation process.

One evaluation team may meet with another or with more than one other team, if this seems to be the most constructive way to reach conclusions. It is likely that no one team will see all of any one response, or a full submission, as this is not required for their comparative evaluation work.

(v) Review by Project Executive Committee and Board Approval

The proposal call outlines the following respecting the approvals process of the CBC and the Federal Government:

(a) Major project decisions will continue to be made by the CBC Board of Directors based on the recommendations of senior project staff and the advice of the project executive committee following consultation with the project sub-committee of the Board.

- (b) The selection of the successful proponent, the Letter of Intent between the CBC and the successful propoment, and the final agreements between the CBC and the successful proponent require the approval of the CBC Board of Directors.
- (c) The final agreements between the CBC and the successful proponent and any major agreements binding the land require the approval of the Government of Canada through an Order-In-Council, pursuant to Section 41 of the <u>Broadcasting Act</u>. At the time of the Order-In-Council, the appointment by the CBC of the successful proponent as developer of the project will become effective.

This means, therefore, that the results of the executive evaluation process, including the recommendation of the proponent with whom the CBC will negotiate a Letter of Intent, and the ranking of the remaining two proponents, will be reviewed by the project executive committee and the project sub-committee of the board.

The recommendations, with any additional comments from the project executive committee and the board sub-committee, with the report on the evaluation process (including the executive evaluation process), will be presented to the board for consideration leading to the approval of the successful proponent.

Comments

The evaluation process appears to be well thought out and is on schedule. Some potential difficulties remain:

- The project is very large (four million square feet, perhaps 30-50 storeys in height) and still must go through a public rezoning process at the City. Full development potential can not be guaranteed, particularly for the private component.
- 2. The "cost" to the Government of Canada will still likely be significant, despite the innovative joint-venture financing. Treasury Board will still have to disect the financing to define real costs and benefits and then face a Government which may not be in a spending phase.
- 3. A comparative analysis of more conventional development on less valuable land will have to be done to prove viability. The imputed value of the Front Street site is tied to a CBC use, but could change with a local political shift. The market value of the surplus CBC sites is evaluated conservatively, given a commitment to assisted housing.
- The implication of the imminent Cadillac-Fairview sale may be a factor.

Proposal Call Example - Terminal 3 - Lester B. Pearson International Airport

The Minister of Transport recently announced that the Airport Development Corporation (Huang & Danczkay) had been selected as the "preferred developer". This will allow Transport Canada to negotiate with them in the hope that a contract can be finalized before fall. Failing successful negotiations, it would appear that the other bidders would be considered.

Conclusions:

Proposal calls can be successful, but in the public sector they can be risky, particularly if joint-ventures are assumed, and goals are not crystal clear. The evaluation process and results must stand up to public scrutiny. It is very difficult for the governments to accept anything but "the best financial proposal", which makes design quality and development experience ultimately irrelevant. Conceptually, traditional or modified tender calls may be more realistic and direct. It is recommended that the issue of proposal calls be studied in more detail by the BRPM with assistance from PWC, the private sector (Urban Development Institute) and the professional community (Royal Architectural Institute of Canada).

(ii) <u>DISPOSAL OF GOVERNMENT LANDS IN THE TORONTO AREA</u> INTRODUCTION

In considering the disposal of land in the Toronto area in which the Federal Crown has an interest or with respect to which the Federal Crown has a right of approval, three situations will be examined.

In the first situation, title to land is vested in Her Majesty and custody is assigned to a Government Department or to a representative of a Government Department. In Harbourfront, with limited exceptions, the title to land that has not been disposed of is vested in Her Majesty. The responsible Minister is the Minister of Public Works who, pursuant to Order in Council, P.C. 1980-1622, as amended, has entered into a Management Agreement with Harbourfront Corporation. Harbourfront Corporation is a Schedule C1 of the Financial Administration Act Crown Corporation. The Corporation acts for and is a representative of the Minister in implementing the Harbourfront Development Framework of 1978 pursuant to the Management Agreement.

The disposal of land in the Harbourfront area, title to which is vested in the Federal Crown, is controlled by the Surplus Crown Assets Act, R.S.C. 1970, c.S-20 and the Public Land Grants Act, R.S.C. 1970, c.P-29. The latter Act also controls the disposal of land custody of which is assigned to a Government Department. The Federal policy and procedure for disposals under these Acts is noted below.

The second situation is one in which title to land is vested in a Crown Corporation or in a wholly-owned subsidiary of a Crown Corporation. The Canadian Broadcasting Corporation, Canadian National Railway Corporation, Canada Post Corporation, and Canada Mortgage and Housing Corporation have land in the Toronto area. The power to dispose of this land is controlled by the Act by which the particular Crown Corporation was established and by the overriding provisions of Section 108 of the Financial Administration Act (the "F.A.A.").

Section 108 of the F.A.A. provides that property held by an "agent corporation" is the property of the Crown, whether title thereto is in the name of the Crown or in the name of the corporation. As a general rule, an agent corporation may sell or otherwise dispose of any property held by the corporation and may retain and use the proceeds therefrom either if the disposal is made pursuant to regulations passed under the F.A.A. or is authorized by the Governor in Council. However, this general rule does not apply where there is specific authority set out in an Act authorizing a particular Crown Corporation to sell or otherwise dispose of real property. In such cases, the specific Act in question will control rather than Section 108(2) of the F.A.A. Whether or not in such a case a Crown Corporation which disposes of real property may retain the proceeds of disposition is a matter which in the case of particular corporations including the Canada Post Corporation is not free from doubt.

It would appear the Governor in Council does not have direct authority under any Act of Parliament to require a Crown Corporation to dispose of land, although certain indirect powers are found in the F.A.A. and certain other legislation which may be used to this end.

It would also appear that the policy and procedure which controls the disposition of land title to which is vested in Her Majesty and custody of which is assigned to a Government Department, does not apply to Crown Corporations.

The third situation which occurs in the Toronto waterfront area involves the Toronto Harbour Commissioners (the "THC"). It was established by a Federal Act, the Toronto Harbour Commissioners Act, 1911, S.C. 1911, c.26. As a strict legal matter, the THC is not a Crown agency. It presents a special case which is discussed below.

POLICY AND PROCEDURE WHERE EITHER THE PUBLIC LAND GRANTS ACT OR THE SURPLUS CROWN ASSETS ACT APPLY

The following steps are considered to be the normal procedure for the disposal of surplus Crown property:

- Surplus properties are identified by the Custodian Department and the Property Development section of Public Works Canada.
- (2) A Notice of Excess is submitted to the Central Real Property Inventory ("CRPI") of the Custodian Department.

- (3) The CRPI circulates the Notice of Excess to other Federal Government Departments and agencies for an expression of interest. Assuming no interest is shown at the Federal level, the general practice is to contact first, Provincial Government departments and agencies, and then municipal government bodies and agencies for any interest in acquiring the property at its current market value.
- (4) Public Works Canada studies the excess property in view of the FIM principles in order to recommend a course of action for disposal to the Treasury Board Advisory Committee on Federal Land Management ("TBAC/FLM").
- (5) When support is received from the TBAC/FIM by the Custodian Department, the declaring department prepares a Report of Surplus and submits the same to Public Works.
- (6) On receipt of the Report of Surplus, Public Works implements the disposal strategy including appraisals, surveys and arranges for any legal work.
- (7) Public Works prepares the recommendation for the Minister of Public Works to the Governor in Council and a draft Order-in-Council. The Department of Consumer and Corporate Affairs provides the letters

- (8) Sales are generally of two types. The first is a sale to another level of government which is negotiated at the market value of the property. The other is a sale to a member of the public by sealed tender to the highest acceptable bidder for cash. Currently there is a significant trend to development proposal calls in the disposal of Federal properties. However, a comprehensive policy and procedure with respect to proposal calls has not been established.
- (9) In keeping with the policy of disposal at market value, all real property offered for sale or exchange requires one or more appraisals to estimate its current market value, depending on the value of the property to be disposed. Properties of small value may only require a Letter Report to set a base for evaluating recovery from sale. However, the value estimate set out in an appraisal may not be reflected in the bid received and judgement will be exercised as to whether the appraisal overestimates the market or whether the property should be reoffered to seek greater recovery.

CROWN CORPORATIONS

The above described land disposal policy and procedure applies primarily to those Federal departments which are referred to in Schedules A and B of the Financial Administration Act. As noted above, the policy and procedure does not apply to lands owned by Crown Corporations if the circumstances are such that Section 108(2) of the F.A.A. does not apply. Each of the Crown Corporations involved in the Toronto waterfront area (with the exception of Harbourfront Corporation) have been created under particular Acts. With respect to the acquisition, management and disposal of land, the relevant Acts display a considerable diversity in their provisions.

CANADIAN BROADCASTING CORPORATION

The Canadian Broadcasting Corporation is continued by Part III of the Broadcasting Act, R.S.C. 1970, c.B-11 for the purpose of providing the national broadcasting service in accordance with the licence issued to it by the Candian Radio and Telecommunication Commission (the "CRTC") and subject to any applicable regulations of the CRTC. CBC is an agent of Her Majesty and its powers under the Broadcasting Act are to be exercised only as an agent of the Crown (Section 40(1)). Property acquired by CBC is the property of Her Majesty although title of the property may either be vested in Her Majesty or the CBC (Section 40(3)). The Act states that the Corporation may acquire any real property that the Corporation

deems necessary or convenient and may sell, lease, or otherwise dispose of all or any part of any property acquired by it. Governor in Council approval is necessary for the acquisition or disposal of any property for a consideration in excess of \$250,000,00.

CANADIAN NATIONAL RAILWAYS COMPANY

The Canadian National Railways Company ("CNR") is continued by the Canadian National Railways Act R.S.C. 1970, R.S.C. c.C-10, the Railway Act, R.S.C. 1970, c.R-2 and certain other statutes including the National Transportation Act, R.S.C. c.N-17. The powers to acquire and dispose of lands vested in the CNR are those set out in Section 102 of the Railway Act as a consequence of the provisions of Section 16 of the Canadian National Railways Act. Section 102 of the Railway Act authorizes a railway company to acquire any lands necessary for the construction, maintenance or operation of the railway as well as to sell or otherwise dispose of such lands which have for any reason become not necessary for the purpose of the railway.

In so far as CNR land was transferred to it by a Crown grant, Section 88 of the Railway Act applies and authorizes CNR to sell or otherwise dispose of the land without the necessity of Governor in Council.

If title to particular land is vested in CNR, then it is CNR which determines if that land continues to be required for

railway purposes, and if not, the basis on which a disposition would be made. Approval of the Treasury Board is not required before land vested in CNR can be sold.

CN Real Estate is a division of CNR. It is responsible for the disposition of lands which are surplus to CNR requirements, including portions of the Railway Lands in the Toronto waterfront area.

CANADA POST CORPORATION

The Canada Post Corporation ("CPC") was established under the Canada Post Corporation Act, S.C. 1981, c.54. Under the Act, the CPC can acquire, lease, sell or dispose of any real property (Section 16(2)).

CPC is delegated specific authority to sell land without limitation. Thus, CPC can determine whether to retain or dispose of land vested in it. CPC does not require approval of the Treasury Board under the Public Lands Grants Act before land vested in it can be sold. As noted above, it is not clear whether CPC can retain the proceeds from a disposition of land.

CANADA MORTGAGE AND HOUSING CORPORATION

Canada Mortgage and Housing Corporation ("CMHC") was established under the Central Mortgage and Housing Corporation Act, R.S.C., c.C-16. It has been renamed the "Canada Mortgage and Housing Corporation". CMHC exercises the powers of the Minister assigned responsibility for the administration of a

number of Housing Acts (as defined in the Act), and does so on behalf of Her Majesty (Section 18). It is declared to be an agent of Her Majesty and has power to acquire and hold real property for its actual use in the operation of its business as well as to sell or dispose of such property and acquire other property.

HARBOURFRONT CORPORATION

Harbourfront Corporation is listed in Schedule C1 of the Financial Administration Act. At the present time, most of the land within the Harbourfront area which has not been disposed of to a private person or to a municipality is vested in the name of Her Majesty. Harbourfront Corporation owns very little land in its own name. Therefore, the general disposal policy and procedure under the Public Lands Grants Act and the Surplus Crown Assets Act applies to the majority of these landholdings. Harbourfront Corporation is discussed in detail in another section of this report. Reviews of Harbourfront lands currently are being conducted by the Minister of Public Works and the Treasury Board.

TORONTO HARBOUR COMMISSIONERS

The THC has extensive landholdings. The principal sources of its lands have been transfers from the Federal Crown and transfers from and the City of Toronto. The power of the THC to dispose of City-originating land is discussed below in this section of the report.

Land transferred to the THC by the Federal Crown cannot be disposed of without the approval of the Governor in Council. (The Toronto Harbour Commission Act, 1911, Section 15). However, the THC has been given a general approval to dispose of much this land by Order in Council P.C. 1385, dated August 20, 1925, as amended. Governor in Council approval continues to be required, however, for the disposal of land comprising approximately twenty feet of the waters edge as well as certain other lands.

THC has been held by the Supreme Court of Ontario not to be a Crown agency. Three of its five members are appointed by the City of Toronto. The remaining two members are appointed by the Governor in Council, one of the recommendation of the Metropolitan Toronto Board of Trade. Surplus moneys are to be paid by the THC to the City of Toronto. Nevertheless, the Federal Government is responsible for the THC's Act and the THC is to account for all moneys provided, received and expended by it annually to the Governor in Council as well as to the City of Toronto.

Section 108 of the Financial Administration Act does not apply to the THC with respect to lands transferred to the THC by the Federal Crown for which approval of disposition has been given. It would appear that the THC has full authority to determine whether or when, and on what terms such land is to be sold or leased. No authority exists in the Governor in Council to

order a disposition without an amendment to the Act being passed.

With respect to lands transferred to the THC by the Federal Crown which may not be disposed of by the THC without the approval of the Governor in Council, the responsible Minister whose recommendation is required under standing policies is the Minister of Transport.

With respect to land transferred to the THC which may be disposed of by the THC without Governor in Council approval, the interest of the Federal Crown may be protected by rescission of Order in Council P.C. 1385 as it applies to Federal originating land which has not been disposed of by the THC pursuant to its authority.

MUNICIPAL LANDS IN THE TORONTO AREA

The Crown in right of Ontario (the Ontario Crown) and the Crown's agency, Ontario Hydro, own significant quantities of land in the Toronto area including certain key properties in the Toronto waterfront area. The disposition of land vested in the Ontario Crown or in a Crown agency is controlled principally by two statutes, the Public Lands Act, R.S.O 1980, c. 413 and the Ministry of Government Services Act, R.S.O. 1980, c. 279 (the "Government Services Act").

The Public Lands Act applies to "public lands" which term is defined by the Act to include "lands heretofore designated as

Crown lands, school lands and clergy lands". This Act would appear to be of significance in respect of unpatented portions of the bottom of Lake Ontario. All other lands in the study area would appear to have been patented by the Crown at some time to an individual.

Section 14 of the Public Lands Act authorizes the Lieutenant Governor in Council to make regulations, amongst other things, "prohibiting or regulating and controlling the sale or lease of public lands for any specified purpose of use, other than agricultural purposes". However, comprehensive regulations relevant to unpatented land in the Toronto waterfront area have not been passed. Absent such regulations, the Minister of Natural Resources has power to sell or lease public lands in respect of which regulations have not been passed, although he can do so only with the approval of the Lieutenant Governor in Council if the land which is proposed to be sold or leased comprises more than five hectares. (Section 15). There are no recent examples of public land in the Toronto waterfront area being sold or leased by the Minister of Natural Resources under the Public Lands Act.

The second and more important of the two principal statutes is the Government Services Act. It controls the acquisition and disposition of land by the Ontario Crown and Ontario "Government related agencies" as defined in the Act. Government related agencies include Ontario Hydro and

corporations with or without share capital, the controlling interest of which is owned by the Ontario Crown or whose bonds or debentures are guaranteed by the Ontario Crown.

The Minister responsible for the administration of the Government Services Act is the Minister of Government Services. The Act prescribes that the Ministry of Government Services is to be a service agency for the Government of Ontario. The Ministry is to provide the Government with services in support of Government programs. (Section 4).

The Minister of Government Services is responsible for the acquisition, lease and disposal of "public works". (Section 5). The term "public works" is defined by section 1(g) of the Act to include any "real property...belonging to the Government that was acquired by lease or otherwise including any building or structure...built...extended...repaired, improved or formed for the public purposes of the Government or at the expense of the Government....". The Government Services Act, then, applies in respect of land which at some time was patented to an individual, and subsequently was leased or purchased by the Ontario Crown for the Government itself, or leased or purchased by or for a Covernment related agency. Land so leased or purchased qualifies as a "public work" within the meaning of section 1(g).

Section 7 of the Act authorizes the Minister to acquire and hold real property for the use or purposes of Government, or if requested to do so by a Government related agency, for the use or purposes of the requesting agency. The Minister is authorized to sell or lease such property when no longer required for the use or purposes of the Government or the Government related agency, as the case may be, but only with the approval of the Lieutenant Governor in Council. Only leases for terms of less than twenty-one years and grants of easements may be made by the Minister without the approval of the Lieutenant Governor in Council. (Section 8).

Except as otherwise provided in any other Act or by the Lieutenant Governor in Council, all real property belonging to the Government is vested in the Crown in right of Ontario and is under the control of the Minister of Government Services. (Section 8).

Ontario has a policy manual respecting land disposals under the Government Services Act which is similar to the Federal policy and procedure respecting disposal of Federal lands described above. Possible revisions to the Ontario manual currently are being considered.

In addition to the two principal statutes controlling dispositions of land vested in the Ontario Crown or in a Government related agency, other statutes may be relevant in respect of particular parcels of land. For example, title to the land in the Toronto waterfront area on which the Hearm Generating Plant is located, is vested in Ontario Hydro.

Ontario Hydro is a corporation continued under the Power Corporation Act, R.S.O. 1980, c. 384. That Act provides for the composition and financing of the corporation as well as its powers including the power to acquire and dispose of land. The members of the board of directors of Ontario Hydro comprise the corporation itself and are appointed by the Lieutenant Governor in Council. (Sections 2 and 3).

Ontario Hydro is authorized to acquire land with the prior authorization of the Lieutenant Governor in Council by (Section 23(1) and (2)) of the Power Corporation Act. Under Section 23(4) of the Act, in relation to all matters authorized by the Lieutenant Governor in Council pursuant to Section 23, in addition to the other powers delegated to it by the Act, Ontario Hydro is assigned the powers of the Minister of Government Services in relation to a "public work" under the Government Services Act. Section 23 (4) of the Act appears to authorize Ontario Hydro to exercise the same powers of disposition of land as are delegated to the Minister of Government Services under the Government Services Act, that is, power to sell land, or to make leases for terms in excess of twenty-one years of any land which Ontario Hydro has acquired provided that the corporation receives the prior authorization of the Lieutenant Governor in Council to do so.

One other key property in the Toronto waterfront area deserves mention. The property at 55 Lakeshore Boulevard East which is

occupied by the Liquor Control Board of Ontario, houses the Liquor Control Board of Ontario and a retail liquor sales outlet. The registered owner of this property is the Liquor Control Board of Ontario.

The Board is an Ontario agency. It is a corporation all of the members of which are appointed by the Lieutenant Governor in Council. (Section 2). It has power, amongst other things, to lease or, subject to the approval of the Lieutenant Governor in Council, to purchase such land and buildings and erect such buildings as are necessary for the purposes of the Board.

As noted above, by force of Section 8 of the Government Services Act, 55 Lakeshore Boulevard East qualifies as a "public work" within the meaning of the Government Services Act, and, as a result, title to it is vested in the Crown by that Act. Therefore, the power to dispose of it appears to be delegated to the Minister of Government Services under the Government Services Act subject to the approval of the Lieutenant Governor in Council.

Both the Municipality of Metropolitan Toronto and the City of Toronto are significant land owners in the Toronto area. Further as noted above, a large amount of land title to which currently vested in the Toronto Harbour Commissioners was transferred to the THC by the City of Toronto by conveyances that required City approval and consent before the THC would be entitled to convey otherwise than by way of mortgage, charge of

lease, individual parcels to particular purchasers. By a bylaw passed on September 23, 1924, City Council purported to give blanket up-front approval to THC dispositions of City originating land vested in the THC as a result of conveyances to the THC from the City.

The position of the City in respect of City originating land is similar to that of the Federal Crown to the THC in respect of Federal originating land title to which is vested in the THC which was discussed above. It is likely that with respect to City originating land that has not yet been disposed of by the THC, the 1924 by-Law could be repealed by City Council thus restoring the requirement of prior City approval and consent before City-originating land still vested in the THC could be conveyed by the THC.

Although short of legislation being passed to amend the Toronto Harbour Commissioners Act, 1911 the City does not have power to rescind the conveyances it has made to the THC, the City Council may restore to itself the most important power to control conveyances of City-originating land by the THC without new legislation being passed by repealing the 1924 by-law.

What powers of disposition of land are vested in the Municipality of Metropolitan Toronto and the City of Toronto, respectively. The principal source of power in the case of the City of Toronto is the Municipal Act, R.S.O. 1980, c. 302. Under section 193 of that Act, the council of every municipal

corporation is authorized to pass by-laws for acquiring any land required for the purposes of corporation and to sell or otherwise dispose of the same when no longer required. Provided that the land is no longer required for the "purposes of the corporation", section 195 of the Act will apply to make the determination of the Council as the time when, the manner in which, the price for which or the person to whom any property of the corporation is sold, to be not open to question, review or control by any court if the purchaser thereof is a person who may lawfully buy the land and if the Council acted in good faith in making the sale.

"Purposes of the corporation" are determined by reference to the provisions of the Municipal Act as well as the provisions of other general and special Acts which apply to the municipality in question.

There is no statutory requirement that a municipal corporation which wishes to dispose of land must establish a policy and procedure in any way similar to the Federal policy and procedure respecting land disposals described above. The City of Toronto has not adopted such a policy and procedure.

In the case of the Municipality of Metropolitan Toronto, the provisions of sections 193 and 195 of the Municipal Act apply with necessary modifications being made. (Section 245 of the Municipality of Metropolitan Toronto Act). Metropolitan Toronto also has not adopted a policy and procedure respecting land disposals.

Apart from the general provision to acquire and dispose of land, both the City of Toronto and the Municipality of Metropolitan Toronto have extensive additional powers under other Acts to acquire and dispose of land. For example, both may acquire land for housing development purposes pursuant to the Housing Development Act, R.S.O. 1980, c.209. Such land may be leased or sold for housing development whether or not it might otherwise be said to be still required for some other purpose of the particular quality which land acquired it.

CONCLUSIONS

Lands in which the Federal Government has an 1. interest in the Toronto area fall into one of the three types of situations as discussed above. In the case of lands title to which is vested in Her Majesty and custody of which is assigned to a government department, the ordinary policy and procedure for disposal of land under the Public Lands Grants Act and the Surplus Crown Assets Act clearly apply. They also apply to most of the lands that have not been disposed of in in the Harbourfront area. However, in Harbourfront the decision as to what land will be disposed of has been delegated by the Minister of Public Works to Harbourfront Corporation pursuant to the Management Agreement for the duration of that Agreement. As

discussed in another section of this report, special provisions are contained in the Management Agreement with respect to access by Harbourfront Corporation to the proceeds of disposition including the establishment of a special and continuing fund. The Federal Government has power to direct specific actions by Harbourfront Corporation both under the Management Agreement and under the F.A.A.

- With respect to lands title to which is vested in 2. agent corporations of the Federal Crown, specific provisions of the relevant Acts provide for disposal of such lands by the relevant Crown Corporation, thus making inapplicable Section 108(2) of the F.A.A. Indirect rather than direct means under the available legislation only are available to the Federal Government to require compliance with emerging Federal land management The right of certain Crown strategies. Corporations to appropriate the proceeds of disposition for their purposes is not free from debate. Directive powers vested in a Minister are provided for in the F.A.A. and certain other Acts.
- With respect to lands transferred to the THC by the Federal Crown, disposition of which the THC is

authorized to make under Order in Council P.C. 1385 of 1925, as amended, Federal Government control can be reasserted by recission of the Order in Council. However, amendments to the Toronto Harbour Commissioners Act, 1911 would be required to change the present statutory rules with respect to the application of the proceeds of land disposition. Only indirect means are available to the Federal Government under current legislation to influence a decision to dispose of land in accordance with any Federal land strategy.

- 4. No procedures are currently in place to ensure timely information-sharing with respect to land disposals, except where the Public Lands Grants Act or Surplus Crown Assets Act apply, or where, in the case of the CBC, similar policies and procedures to those followed by government departments have been adopted.
- No early-warning system is in place to ensure that overall Federal strategic land management objectives are implemented.
- 6. Apart from the Corporate Plan requirements of the F.A.A. no opportunity is presented to the Treasury Board to review, and modify if necessary land disposal objectives of the relevant Crown Corporations.

 A policy and procedure for development proposal calls with respect to Federal land should be prescribed and put in place at the earliest opportunity.





(6) CONCLUSIONS

i) Results to Date

With respect to real property management:

- Crown corporations understand that they are part of a larger corporate environment.
- Major departments and agencies understand that they are part of a larger corporate environment.
- Significant and urgent issues, which have economic, policy and physical implications for the Government of Canada, have been brought to the attention of Ministers and senior officials.
- A very strong level of political consensus is being built at the Federal, Provincial and local govern-ments, particularly with respect to the waterfront.
- 5. Major projects have been assessed in terms of their urgency; timetables and windows of opportunity identified; and projects that might preclude more reasonable solutions have been put on hold. Enough work has now been done to set the stage for detailed feasibility studies for a new strategic

management structure with respect to the waterfront. In addition, strategic management issues have been identified and described conceptually, which will allow detailed study by BRPM.

 The status quo, as a way of doing business, is no longer acceptable by the emerging political consensus. New opportunities of land use, infrastructure and management are now seen as possible.

ii) Strategic Management Objectives

Fundamental to this strategic management approach is the belief that less government is better government, that the Government should be getting out of the "land business" (real estate, development, city building) unless the criteria of constitutional interest, trusteeship obligation and legitmate service delivery functions are met. Even if the Government of Canada wanted to be in the "land business", it would find it very difficult to develop an effective strategy. The "land business" requires detailed knowledge of local markets and local politics, an ability to make quick decisions and an ability to make and negotiate private business deals. City building should be left to provinces and cities with the Federal Government in a supportive role only. In most cases they should be non-interventionist. Attempts at establishing Crown corporations, public/private joint ventures and

arm's length agencies all suffer the same flaw. Accountability and financial performance become obscure and political risks increase. One cannot imagine a strategy that would solve all these problems.

- 1. Basic Principles
- a) The Constitution of Canada shall be the foundation upon which land management decisions should be based.
- b) The Government of Canada has the primary trusteeship obligation to the people of Canada for lands currently under the ownership or control of the Crown or any of its agencies.
- c) The Government of Canada should limit its land interests in areas in which it has a legitimate service delivery function.
- d) The constitutional and trusteeship principles have direct intergovernmental linkages. The Constitution defines the division of powers and responsibilities between governments. The Government of Canada does not have a monoply on trusteeship.

- The Government's interest in real property should be limited to areas in which it has either:
 - i. a constitutional interest,
 - ii. a legitimate service delivery system, or
 - iii. a trusteeship obligation
- 3. The Government of Canada should divest itself of all land that does not meet one or more of these criteria. This divestiture should occur through intergovernmental discussion. Protection and enhancement of land assets should be considered as a sub-objective, not a sole objective in the divestiture process. Disposal of land should occur after all levels of government declare it surplus for public purposes, and then sale should proceed with clear public planning controls in place (i.e. under the Planning Act of the Province) and under strict disposal controls.

These principles and objectives recognize the ultimate trusteeship of the Government of Canada, that powers should not be devolved "willy-nilly", but that if there is an agreement and trust for devolution, it should occur. 4. The Treasury Board and the BRPM should adopt an aggressive challenge function in all land management decisions. While recognizing the historic policy and legislative context for Federal agencies and Crown corporations, the accountability system for Federal lands must acknowledge a central role for the BRPM, with procedural adjustments for the arm's length groups. A Federal land management strategy that exempts some major Federal land holdings can not be considered an effective strategy, anymore than one that ignores the powers and jurisdictions of the other governments.

The Waterfront of Toronto

- The Government of Canada has minimal constitutional interests and service delivery functions on the Toronto waterfront. Its trusteeship obligation should be limited to ensuring that the "public resource" of the waterfront is in the hands of the proper constitutional jurisdiction the Province of Ontario.
- b) The Government of Canada should recognise that the current fragmentation of control within their jurisdictions and among other levels of government, represents a sub-optimum solution to effective management of land and to the achievement of an excellent public waterfront.

- c) The Government of Canada should ask the Premier of Ontario to set up an Intergovernmental Waterfront Committee to establish the Toronto Waterfront Authority and to prepare a development plan for the year 2000.
- d) The Government of Canada should state its absolute interest in the participation of Metropolitan Toronto and the City of Toronto in these deliberations.
- e) The Government of Canada should acknowledge the current division of powers among governments and set as as objective the need to respect these powers in the implementation stages.

6. Harbourfront

Consistent with the strategic management overview and the need for a new waterfront development plan, it follows that:

a) Harbourfront Corporation does not meet either of the first two Federal strategic objectives (constitutional interest and legitimate service delivery function). Its trusteeship obligations can be achieved more effectively for the Government of Canada by judicious divestiture. It may be tempting to keep "the Federal flags flying" but there is absolutely no public or practical reason for the Government

of Canada to maintain an active role. The Federal intervention of 1972 was critically important then but should have ceased the day after the expropriation.

- b) Effective immediately, the programming functions and the land development functions should be separated. Until the Intergovernmental Waterfront Committee reports with its development plan for the waterfront - including the Harbourfront lands - and setting out clearly marked infrastructure, development parcels, open space, etc., the moratorium should continue. The very successful program functions, which are essential to the liveliness of the waterfront, must be continued through some form of public trust. In the meantime, Harbourfront should be thought of as activities - not development projects.
- c) The Government of Canada and Harbourfront should prepare to embark on a course of "normalization". For example, the streets and the parks should belong to the City, and program and cultural facilities turned over to a new agency (not necessarily Federal) or determined by the Intergovernmental Waterfront Committee, based on the traditional home for cultural facilities,
 - e.g. \star marinas and aquarium Metro or non-profit corporation
 - * art gallery provincial or non-profit agency

- * day camps City or non-profit agency
- * etc.

The development parcels should be sold, after park spaces have been defined and conveyed to the City and clear development controls are in place. There appears to be no reason why the Government of Canada need retain even residual interests in the lands, although leases in perpetuity (99 or 999 years) may be considered. The inherent land assets can be realised without continual hands-on involvement by the Government of Canada.

- 7. The study has identified options for more effective land management on the following sites:
 - Moss Park Armoury
 - ii. RCMP Divisional Headquarters
 - iii. CFB Downsview
 - iv. 1107 Avenue Road
 - v. 85-87 Richmond Street East
 - vi. Dominion Public Building, 1-21 Front Street West

iii) General Observations

1. Federal interventions can take a variety of forms, some more

support-oriented than others, and must be tailored to the particular province or city.

- Land management is a most difficult task for senior levels
 of government to cope with. Cities deal with it on a day to
 day basis as a major part of their mandate it is their
 political and economic "engine".
- The senior levels of government are likely going to continue to intervene in cities in one way or another. The challenge is how to make these interventions work for the cities involved.
- 4. Strategic management objectives of the Federal government for real property will have limited value if they cannot coexist with the objectives of other levels of government.





(7) RECOMMENDATIONS

i) Policies

It is recommended that:

- 1a The Government of Canada recognizes that it has minimal constitutional interests and service delivery functions on the Toronto waterfront and
- b The Government of Canada recognizes that the current fragmentation of control within its jurisdictions and among other levels of government, represents a sub-optimum solution to the effective management of land and for the achievement of an excellent public infrastructure.
- c The Government of Canada recognizes the need for:
 - i) an intergovernmental arrangement
 - ii) a new management structure
 - iii) a vision a plan for the year 2000
- d The Government of Canada agrees to the Principles of Understanding attached (Appendix K) whereby Canada and the Premier of Ontario recognize the present and future value of the waterfront to all the citizens of Toronto.

- e The Government of Canada explore the possibility of locating the 1988 World Economic Summit on the Toronto waterfront and islands.
- A Federal/Provincial structure be established that will coordinate the development of Crown lands.
- 3. Providing there are strong economic arguments for doing so, the Government of Canada pursue discussions in earnest with the Province with respect to providing surplus public lands for housing, and that joint Federal/Provincial feasibility housing studies be done on a pilot basis.

ii) The Entities

It is recommended that:

 The moratorium on all development at Harbourfront should remain until the reviews by the Minister of Public Works and the City Council are complete, and the public has had an opportunity to comment. Federal lands should not be conveyed to Metro for the Light Rapid Transit Line (L.R.T.) until these reviews are complete.

- A moratorium be placed on all land sales and long term lease commitments on all THG lands, and that the Government of Canada use its best efforts to achieve this objective in cooperation with the City of Toronto and the Toronto Harbour Commission.
- The Government of Canada review its policy with respect to the Toronto Harbour Commission Act of 1911 (as amended by Orders-In-Council) within the total waterfront and intergovernmental context.
- The Government of Canada review the economic benefits or drawbacks provided for in the THC Act (as amended by Orders-In-Council).
- 5. The Minister of Transport determine if the Port of Toronto is part of the "national ports system" and consider the implications of this decision on the arrangements contained within the THC Act
- 6. Notwithstanding their Crown Corporation status, the Government of Canada recognize the value to itself and the citizens of Toronto, of the CN, CBC, and Canada Post properties in developing land management policies.
- The Government of Canada ensure that the CBC development proposal maximizes the value of their strategic location.

- The Government of Canada ensure that any new waterfront development plan provides for the integration of the Fort York Armoury and integration and/or the relocation of HMCS York.
- The Government of Canada pursue discussions with the City of Toronto on the transfer of residual density from the Dominion Public Building.
- The Government of Canada study the options for Moss Park Armoury outlined in the report.
- 11. The Government of Canada study the options for the RCMP Divisional Headquarters outlined in the report.
- 12. The Government of Canada conduct a feasibility study to assess the viability of renovating the Sir William Mulock Building for the purpose of leasing it commercially or selling it.
- 13. The Government of Canada conduct a detailed feasibility study on the consolidation option of CFB downsview outlined in the report.
- 14. The Government of Canada review the practicality of maintaining 1107 Avenue Road as the location of the staff school.

- 15. The Government of Canada enter into an appropriate joint venture arrangement with the Province to develop 85-87 Richmond Street East as a co-operative housing project.
- 16. The Government of Canada, in co-operation with the City, take the initiative in ensuring that definitive plans are made and implemented for the restoration of Victoria Memorial Square.
- 17. The Government of Canada, as owner of some key properties, use its best offices to support a study of the ravine system.

iii) Procedures

It is recommended that:

- The Bureau of Real Property Management be encouraged and supported in its "challenge function" for all Federal lands.
 The need for consolidated or comprehensive legislation for all lands should be studied.
- The Government of Canada develop a public information strategy for land management issues.

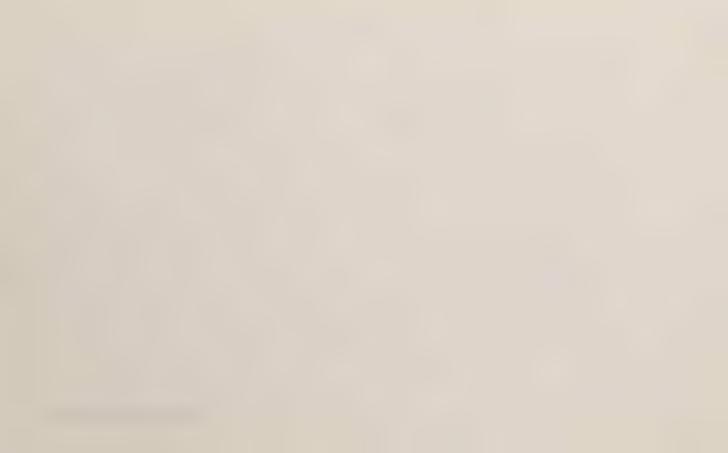
- 3. The Bureau of Real Property Management study proposal call techniques in more detail, with the assistance of Public Works Canada, the private sector (e.g. U.D.I.) and the professional community (e.g. R.A.I.C.). A task force of interested groups should be established to determine policies and guidelines.
- 4. The Bureau of Real Property Management establish an information storage system on land acquisitions and disposals for all Federal lands. This system should eventually be expanded to include all provincial and municipal lands.
- The Bureau of Real Property Management create enforcable policies to limit Crown corporation activities on lands declared surplus with respect to service delivery requirements.
- Further study be undertaken to determine how to resolve conflicts between levels of government over the designation and protection of heritage buildings owned by the Crown or its agencies.



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Appendices



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PHASE ONE URGENT ISSUES

1. Dominion Public Building

- hire a consultant to negotiate the sale of residual development rights
- · monitor and expedite these negotiations
- 2. 60 Atlantic Avenue
- negotiate a deal with the City's Economic Development Corporation for use as an incubator facility
- 3. Victoria Memorial Square
- investigate what other benefits exist prior to the sale to the City
- should rest of site be purchased to expand park? Develop a "Special Park"?
- 4. Lester B. Pearson Airport

monitor the proposal call, analyse total cost benefit for government and ensure understanding of total development package ${\sf cost}$

- 5. Pickering Airport
- relate to Pearson fourth runway debate

 accelerate discussions with Province on co-operative effort for housing
- 6. CBC Proposal Call

"the spectre of a major public institution on prime downtown land in the face of available cheaper public land will still have to be answered"

 monitor proposal call, analyse total cost benefit for government, ensure understanding of total development package and relate to disposal program of surplus CBC properties

7. Harbourfront

- review the financial and business practices of Harbourfront
- need to understand the financial concept and determine whether it works
- place moratorium on all developments

8. Toronto Harbour Commissioners

 review the Act of 1911 and government policy towards the Act in the total waterfront context

9. Policy Vacuum

The vacuum must be filled, in general, and in the Toronto waterfront in particular.



PROVINCIAL METRO AND CITY INTERESTS WITHIN THE TORONTO WATERFRONT AREA

Provincial Interests

- 1. Ontario Place
- 2. Dome Stadium
- 3. Housing
- 4. OPP Headquarters
- 5. Workmen's Compensation Board
- 6. Bay Street Corridor
- 7. OPP Vehicle Maintenance Garage
- 8. LCBO
- 9. Metropolitan Toronto and Region Conservation Authority
- 10. Ontario Hydro Hearn Generating Station
- 11. Brewers Warehouse Realty Ltd.
- 12. Greenwood Race Track
- 13. Condo-legislation

City Interests

- 13. New Industrial Park
- 14. Cherry Beach
- 15. St. Lawrence Neighbourhood
- 16. Union Station
- 17. Harbour Square
- 18. Harbourfront
- 19. Island Airport (served by Provincial Ferry)
- 20. HMCS York
- 21. Fort York
- 22. Exhibition Place Olympics

Metro Interests

- 23. Exhibition Place
- 24. Gardiner Expressway
- 25. Spadina LRT
- 26. Dome Stadium and Pumping Station
- 27. Harbourfront LRT
 28. Toronto Island and Ferry Service





KEY DATES DEMONSTRATING INTERGOVERNMENTAL DYNAMICS

Federal Government

May 1985 - Neilson Task Force Nov. 1985 - BRPM established

Nov. 10/86 - Phase I - Toronto Land Strategy Project begins

Feb. 10/87 - Phase I - Toronto Land Strategy Report
Apr. 10/87 - Harbourfront moratorium announced

Apr. 10/87 - Harbourfront - Federal Policy Review

May 7/87 - Phase II - Toronto Land Strategy Project begins

June 18/87 - Federal Budget

June 26/87 - Phase II - Toronto Land Strategy Report

June 30/87 - Report on the Federal Policy Review of

Harbourfront

June 1987 - Selection of developer for Terminal 3 project

at Pearson International Airport

June 1987 - Harbourfront Board appointments?

June/July/87 - CBC developer selection

Fall 1987 - Closing of Stadium Road land sale

Provincial Government

Apr. 28/87 - Provincial Throne Speech

May 14/87 - Provincial Budget

May 27/87 - Approval of the Harbourfront LRT - OMB

June 15/87 - Public Accounts Committee - Harbourfront

Fall 1987 - Provincial Election ?

Metropolitan Toronto

June 23/87 - Harbourfront LRT - Agreement Sept. 1987 - Metro Hall Design selection

City of Toronto

March 1987 - Harbourfront - City Review

June 1987 - Harbourfront - Report on City Review
June 15/87 - Council appoints City members to THC

July 8/87 - Public meeting on Harbourfront (continued)

Nov. 12/88 - Municipal Election

1990 - Olympic decision for 1996





PROVINCIAL LAND POLICY - BACKGROWND

SUMMARY OF PAGES 4607-4614 OF THE PROVINCIAL GOVERNMENT HANSARD

FOR JANUARY 15, 1987

July 2, 1985

- Premier Peterson announced that the government was initiating an assessment of all Crown corporations and assets. An advisory committee was established under John Kruger, special advisor to the premier. As a result of Mr. Kruger's study, Cabinet adopted recommendations to develop a strategic policy on provincial land holdings, on Ontario Land Corporation and on the Ontario Mortgage Corporation mortgage portfolio.

- October 24, 1985 Government was writing down the difference between the previous book value and the current market value of the lands held by OLC and that the lands would be transferred to the appropriate ministries or sold as market conditions permitted.
 - OLC is responsible for the financing, development, management and marketing of provincially-owned lands for residential, commercial and industrial use.

March 1986

- OLC received approval to modify its corporate plan by accelerating the disposal of the majority of its lands within a period of five years.
- Until March 1986, OLC's corporate plan was to sell all its land assets within a 10-15 year time frame. Its goal was to repay its total debt to the Treasurer and to Canada Mortgage and Housing Corporation for those lands held in partnership with the Federal government.
- OLC lands, a total of 25,495 hectares or 63,000 acres, have been grouped into five categories:
 - 1) Approximately half of the total portfolio is agricultural and has no development potential.

- 4,000 hectares or 10,000 acres are non-agricultural. OLC can increase the value of these lands by going through the local planning process prior to selling them.
- 133 hectares or 330 acres are in an advanced state of development and are ready for sale.
- 200 hectares or 500 acres are held in partnership with the Federal government and are in an advanced stage of development, ready for sale.
- 800 hectares or 2,000 acres are owned in partnership with the Federal government and will be sold after obtaining further planning approvals.
- In March of 1986 the following recommendations were approved:
 - a) OLC lands will be sold at a pace that is consistent with local market conditions; and
 - OLC will go through the normal local planning process to change land use designations on the 10,000 acres that have development potential.
- The interest and concerns of other levels of government were to be considered in the disposition plan including Canada Mortgage and Housing Corporation and also municipalities in which the lands are situated.
- When the assured housing strategy was announced by the Ministry of Housing, one of its major components was to promote the use of government lands for rental housing.
- A special committee of senior government officials was established to identify provincial land that could be used for rental housing and to review proposals for the development of rental housing on government lands.
- The rental housing utilization of lands committee or RHUL was chaired by the Deputy Minister of Housing, Ward Cornell.
- Reporting to this senior committee is a working committee of staff from the Ministry of Housing and the Ministry of Government Services.
- The aims of the working committee were to identify and recom-

- mend provincial lands that could be developed for Ministry of Housing Programs; to establish the current market value of these lands; to take them through the local planning and development process and make them suitable for rental housing; and finally, to market them.
- The Acting Minister of Government Services appointed Professor Eli Comay to look at a number of sites in metropolitan Toronto' and area. Mr. Comay is studying lands owned by the Ministry of Housing and other Ministries to determine what lands could be made available for development for housing and other provincial uses and for private development.
- Some 20 sites are now being studied with regard to location, zoning, suitability and municipal issues.
- Case Study of Cavuga and Nanticoke, a land bank of 9,300 hectares or 23,000 acres was noted. The input and assistance of local and regional officials was vital to the effectiveness of the land sale process.
- Two major land holdings were not included as part of the accelerated disposition plan:
 - 1. The Townsend Community
 - 2. The North Pickering Land Assembly
- Recommendations are currently being developed with respect to the Townsend Project.
- The North Pickering site which covers 8,160 hectares or 20,400 acres is a special case. This particular land assembly extends across the boundaries of three local municipalities and three regional municipalities. This land assembly has enormous investment potential and is likely the largest single piece of undeveloped land in the greater Toronto region. The North Pickering land assembly must be carefully examined and evaluated before any disposition plan is put into place.
- There is a major policy change affecting Ontario Mortgage Corporation - a mortgage sale program.
- The accelerated disposition plan for OLC land and the sale of OMC's mortgage portfolio have taken place in recent months.

- In addition, a major organizational change is under way whereby the Ministry of Government Service's real estate wing will be merged with its accommodation group. The purpose of the merger is to provide a focus within the government for the management and disposition of provincially-owned lands. As part of the merger, a comprehensive strategy has been developed, called the portfolio strategy which has three objectives:
 - 1) To meet the needs of provincial Ministries.
 - To support the government's social and economic goals, especially in the area of housing.
 - To maximize provincial revenues through the sale of surplus lands wherever it is appropriate.





Frovince plans to use land bank for more housing

By Laura Morrison

The Ontario government intends to use its land banks to increase the supply of affordable housing in this province

Under the Housing First Policy announced in this week's speech from the throne, all available provincial lands could be used to create housing for low- and moderate-income earners

Lands deemed inappropriate for such housing will be sold and "the proceeds applied to an assured housing development initiative."

Although policy details remain sketchy, "Basically its the government's intention to use all of its surplus land that's suitable for housing, (to provide) housing," says assistant denuty housing minister Gardiner Church

The provincial government owns almost 2.5 million hectares (more than 6.1 million acres) in Ontario, including 388.5 hectares (960 acres) in Metro Toronto and a sizable land bank in north Pickering.

Queen's Park will also be seeking the co-operation of the federal government, Mr. Church said The federal government holds about 9,907 hectares (more than 24,000 acres) in the Metro area

The throne speech promised more funding for assisted housing and referred to a new program to create affordable new housing units.

Lease-to-buy

"An immovative program will be introduced in partnership with the private sector to create new units within the reach of moderate-income families. It will offer affordable, leases that can lead to an option to purchase."

Municipalities and individual homeowners are also being asked to explore low-cost ways of increasing the housing supply.

These could include creating basement apartments and taking in roomers, as well as converting old warehouses and other industrial buildings, Mr. Church said.

"These are all feasible, economic and far, far more inexpensive than constructing new units."

Conversions are already taking place under the Convertto-Rent program, which provides grants of up to \$7,000 in Metro to' convert a nonresidential unit to residential, Mr. Church said "There may very well be other programs announced with the budget," which is expected May 14

The speech from the throne also adnounced a "strengthened initiative" to provide housing and support services for the homeless, the disabled, the elderly, victims of family violence, discharged psychiatric patients and others with special needs

"Our commitment is to ensure that these individuals can live with maximum independence, dignity and stability."

Help roomers

Measures are to be introduced this session to improve conditions for roomers, boarders and lodgers

New initiatives are promised "Io increase the supply of affordable housing for these people and improve the quality of existing dwellings."

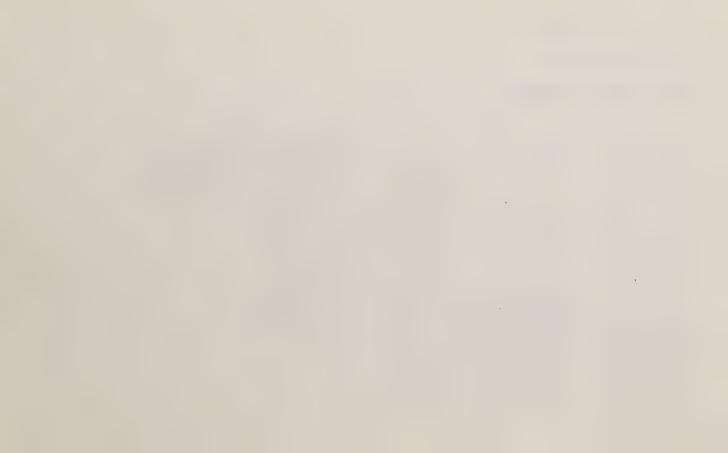
In addition to increasing the housing supply, the gove, a-ment has also pledged to "aggressively pursue" methods of reducing the cost of construction through improved productivity, new training initiatives, streamlined regulations and the adoption of new technology

Responding to the speech from the throne, Toronto Real Estate Board (TREB) president John Oliver said the board is encouraged the provincial government intends to make affordable housing a priority.

However, TREB had hoped for more specifics, Mr Oliver said. "We wanted to hear counciling in the speech that would help the young couple trying to buy their first house or the retired couple wanting to sell their large family home and move into a smaller house."

Although government plans are sill vague, Mr. Oliver said he was pleased with the statements concerning the sale of provincial lands; the streamlining of building regulations and approvals; and the encouragement of new technology, better productivity and a new emphasis on skills training.

TREB lnoks forward to more detailed proposals in the coming budget, he said "Now is a good time for the province to act, because all municipalities are reassessing their housing policies. The province should take advantage of these efforts and work with municipalities to ensure that the use of provincial lands results in the production of a healthy mix of housing types."





SUMMARY OF THE TORONTO HARBOUR COMMISSIONERS ACT OF 1911

relating Acts the and consolidate amend 20 the Act was Toronto. purpose of t Harbour of J The the

COMPOSITION OF CORPORATION

- by the Trade. be appointed and one b the Toronto E three to five commissioners: one by the Governor Corporation consists of five commissioners: Aty of Toronto Council, one by the Governor ernor in Council upon the recommendation of Governor City The
- reappointment. Each commissioner holds office for a term of three successor is appointed and shall be eligible for re

CHAIRMAN AND OUORUM

The Corporation elects its own chairman, and three commissioners shall be a quorum for the transaction of all business within the jurisdiction the Corporation.

OFFICERS AND EMPLOYEES

deems necessary j.L staff as a harbour-master and of the Act. Act. mey appoint a provisions The Corporation r

GENERAL POWERS

- harbour and DOLL the 4o limits che within jurisdiction has The Corporation Toronto. 0
- 0 the harbour Jo by the commissioners the Corporation. controlled or held in. become vested All property of Toronto shall
- and waterlots Jo on behalf administer on dock property hold, take, develop and Ashbridges Bay area and The Corporation may City of Toronto the the City. by owned
- ease The Corporation has the power to acquire, expropriate, hold, sell, or les real estate, buildings or other property for the purpose of development, improvement, maintenance and protection of the harbour and to reinvest the proceeds arising therefrom.
- acquir the Governor of any land a Governments. The Corporation shall not, without previous consent of Council, sell, alienate, morrgage or otherwise dispose by its predecessors or from the Provincial and Federal
- develop. the use and der regulate and control to the waterfront within The Corporation has the power to ment of all land and property on $\text{Clty}\,.$

- channel: harbour construct and maintain docks, 4JO no carrying the in. use to c the power buildings business. other Corporation | transportation
- maintain and harbour lease, purchase,] construct, acquire by hin the boundaries of operate railways within the The Corporation may
- companies for arrangements with railway from and in the harbour make 100 The Corporation may s facilitating traffic
- Pe which shall management of all the property or manage, any surplus profits all of After paying for the cost of management Corporation may own, control or manage, property of the City of Toronto.
- development and papers dealing with the management and develor the control of the Corporation shall be open for it Department of the City at all times. l books, documents and all property under the spection by the Audit All books, c of all prope

EXPROPRIATION OF LANDS

to acquire any lands, should the Corpora-owner of the property as to the price has the right to acquire the land without never the Corporation desires n be unable to agree with the be paid, then the Corporation consent of the owner. Whenever the tion to by

BORROWING POWERS

of construction in the harbour payable in debentures issne the purpose of defraying the expenses Corporation may borrow money and may i e than 40 years. the For

BY-LAWS

- The Corporation may make by-laws for the following purposes:
- the harbour; works in navigation and all control regulate and 10
- Within operations any building prohibit OT control and harbour; regulate the 20 5
- other and operate and maintain railways to constrict, regulate, openoon the docks and wharfs; to constrict,
- penalties; tolls and all rates, of collection and imposition for the and 7
 - J O provisions infringing any persons upon impose penalties ACT. 6
- Council ü by-law shall have effect until confirmed by the Governor No

HARBOUR RATES

be made valorem rates are imposed shall Customs Act. goods on which ad provisions of The of valuation ording to t according

MISCELLANEOUS POWERS

pecuniary nature any of have any transactions directly or indirectly not thereof Corporation shall any members there with The

ACCOUNTING FOR MONEY

same annually-to the borrowed moneys a11 keep separate accounts of and shall account for the The Corporation shall and expended in Council. Governor received



Regional Municipality of Peel City of Mississauga, in the I, FRANK R. SMITH, of the PROVINCE OF ONTARIO CANADA TIM OIL

MAKE CATH AND SAY:

- TORONTO HARBOUR persons appointed "THE known as the ų Act one COMMISSIONERS' ACT, 1911"; the am Commissioner under Н That
 - That I will truly and impartially and to the best of my skill and understanding execute the powers vested in me member of the Corporation known as "IHE IDRONTO HARBOUR COMMISSIONERS".

SWORN before me at the City of Toronto, in the Judicial District of York this $/2 \mathcal{H}_t$ day of $f \in b \vee a \times V_t$. 1987.

Commissioner, etc.

J. R.A.





Eggleton backs new parks plan for waterfront

By Paul Maloney Toronto Star

A proposal to radically alter the future of Harbourfront by substituting parks for highrise development has received support from Toronto Mayor Art Eggleton.

Eggleton said yesterday that while specifics have yet to be worked out, he agrees with the over-all concept.

The proposal, unveiled last Monday in a slide presentation by city parks commissioner Herb Pirk, would see key waterfront sites turned into parkland.

Developments planned for those sites would instead be pushed north, between Queen's Quay W. and the Gardiner Expressway.

"It requires some examination of the detail but in general I like it," Eggleton said in an interview

Serious discussion of scrapping planned development projects, scaling them down or moving them to other sites, can't begin until Pirk submits a report on his proposal, he said.

"There's not even a written document

yet. There's only slides and drawings. It would be premature to say yea or nay to any specific development on Harbour-front as a result of the Pirk plan."

The proposal has been called "a land grab for parks" by Frank Mills, president of Harbourfront Corp., the federal crown agency in charge of redeveloping the downtown site, formerly a strip of warehouses and docks.

Mills said Harbourfront officials are willing to make some changes in their development plans but oppose the fundamental shift Pirk wants

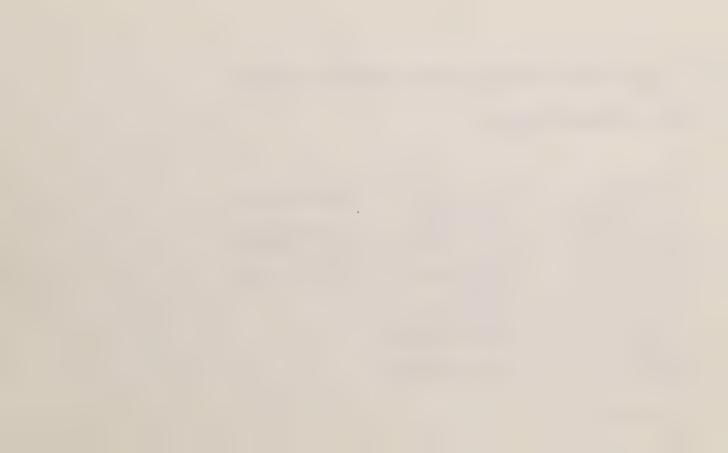
Eggleton said he raised the proposal in a meeting on Wednesday with David Crombie, federal Secretary of State, but the matter didn't go beyond generalities.

"There was no lengthy discussion about the thing," the mayor said. "I could hardly ask him to agree to it when he hadn't seen it!"

Crombie said in an interview there have been "no formal talks on specifics" and none are likely until the city completes its review of Harbourfront. "We support the city's review and look forward to what it will say," he said. Pirk has said that Harbourfront is being overdeveloped.

"The scale of open space they envision as being appropriate is totally inappropriate for the scale of development there. You don't put up a 30-storey tower and provide a half-acre of park."

Pirk said his proposal comes at a time of broad agreement that the project needs to be rethought.







The Canadian Armed Forces Reserve

In this report references are made to a number of sites occupied by the Reserves. This section has been written in order that the reader might understand the function of the Reserve forces throughout Metropolitan Toronto. In this respect, therefore, it acts as an introduction to each section of this report where reference is made to a Reserve Facility.

The following has been prepared after discussions with senior officers from CFB Downsview, senior officers and members of the Reserve forces, visits to all the sites mentioned below and analysis of various written material, including a synopsis of the recently presented White Paper on Defence.

In summarizing the future role of Reserve forces in Canada, the White Paper states:

"The Reserves will be revitalized and enlarged to assume a greater role, both in the defence of Canada and in supporting and sustaining our overseas commitments."

This will involve, among other things, the creation of new Militia Brigades, including a military vital point guard to secure key installations across the country. The Reserves would be given specific wartime tasks, the quality of their training and equipment would be improved along with their pay and benefits. Furthermore, the general distinction between Regular and Reserve forces would be reduced. In all, the Reserves will increase their numbers to 90,000.

To meet these personnel commitments it will be necessary to increase recruiting. To this end, a national advertising campaign will be launched, aimed at increasing public awareness and to stress the importance of the Reserves with respect to national security. As growth takes place, current facilities will become strained beyond their ability to cope effectively.

One way to cope with the additional requirements of an expanded Reserve force is to expand existing facilities. However, in some cases it may not be practical to renovate the existing structures, and in others, expansion on site may be constrained by surrounding development - existing or proposed. Another way to cope with expansion is to form sub-units of existing organisations. These could be located in schools or other like facilities, where they could incubate until such time when the sub-unit is big enough to justify a completely new facility.

Within the Toronto metropolitan area there are three centres of Army Reserves (The Militia), one Naval Reserve Base and one location for the Air Force Reserve. (See Fig.) The Militia is accommodated in three armoury buildings: Moss Park Armoury at

Queen and Jarvis Streets, Fort York Armoury at Lakeshore Boulevard and Strachan Avenue, and Denison Armoury at Dufferin Street and Wilson Avenue. The Naval Reserve is located at HMCS York on Lakeshore Boulevard just west of Stadium Road, and the Air Force Reserves operate out of CFB Downsview. All these facilities are in active use during most weekday evenings and every weekend.

The Reserve is a volunteer, part-time occupation, and those within it have other jobs. Many organise their lives to live and work within easy access of the Reserve base of which they are a part. It follows, therefore, that location is very important. While there may be strategic planning reasons to re-locate some of these facilities, such a change would cause considerable disruption within the Reserve corps involved. Such disruption could have a negative impact on the unit, taking years to build it back again in the new location. For example, when Denison Armoury was moved from University Avenue to Dufferin and Wilson, it probably seemed the logical and rational thing to do at the time. The new location was near Highway 401, public transportation and within an area of potentially high recruitment. However, those who had organised their lives around the University Avuenue location were reluctant to re-organise; and the apparent convenience of north Toronto did not attract as many new recruits as expected. It is taking a long time for the units at Denison Armoury to recover from the dislocation.

In addition to the geographical importance of these facilities, there are the equally important historical and emotional ties that exist. For example, Regimental Associations are located in each of the three armouries mentioned above. These associations proudly furnish their respective messes with regimental memorabilia and use the facility as an important part of their personal and social life. Insensitive dislocation of these quarters would be inappropriate.

The following are the various units (those indicated with an asterix (*) are from CFB Downsview) located at each of the Reserve facilities mentioned above:

HOSS PARK ARMOURY

7 Toronto Regiment
48'th Highlanders
Queen's Own Rifles of Canada
25 Medical Company
Maintenance Service and Supply Detachments*
4 Cadet Corps

FORT YORK ARMOURY

Royal Regiment of Canada Toronto Scottish
Queen's York Rangers

2 Field Engineering Regiment
709 Communications Regiment
Supply Detachment*

4 Cadet Corps

DENISON ARMOURY

Governor General's Horse Guards
25 Service Battalion
Maintenance Detachment*
3 Cadet Corps

HMCS YORK

200 Naval Reservists and 2 Cadet Corps

ALR FORCE RESERVE DOWNSVIEW

400 Air Reserve Wing 411 Air Reserve Wing Cadet Corps





SOME ORGANIZATIONAL MODELS

NATIONAL CAPITAL COMMISSION

The National Capital Commission is a corporation established by the National Capital Act R.S.C. 1970.N-3. Its geographic area of jurisdiction is the "National Capital Region" which is defined by Section 2 of the Act to mean "the seat of the Government of Canada and its surrounding area", The legal description of the Region is set out in a schedule to the Act.

The Commission is an agent of Her Majesty. Property acquired by the Commission is the property of Her Majesty and title thereto may be vested in the name of Her Majesty or in the name of the Commission.

The Commission comprises a Chairman, a Vice-Chairman and eighteen other members. The Chairman and Vice-Chairman are appointed by the Governor in Council for such term as the Governor considers appropriate. They may be removed at any time by the Governor in Council. The other members of the Commission are appointed by the Minister (the Prime Minister of Canada or such other member of the Queen's Privy Council for Canada as is designated by the Governor in Council) with the approval of the Covernor in Council, for terms not exceeding three years. These terms of office expire on a staggered basis.

The members with the exception of Chairman and Vice-Chairman are to be broadly representative of the Provinces and

municipalities, particularly those immediately affected by the Commission in the performance of its mandate. At least one member is to be appointed from each of the ten Provinces. At least two members are to be appointed from the City of Ottawa. At least one member is to be appointed from each of the City of Hull, a local municipality in Ontario other than City of Ottawa, and a local municipality in Quebec other than the City of Hull. These members are not required to be members of the relevant municipal councils; rather the Act requires only that they be normally resident in the relevant municipality at the time of their appointment. (Section 3)

The Chairman of the Commission is its chief executive officer. (Section $\mathbf{6}$)

The General Manager of the Commission is to be appointed by the Covernor in Council. The Commission itself has authority to employ officers and employees, consultants and advisors, subject to any plan of organization which has been approved by the Governor in Council. (Section 8)

The Act requires that the Commission have an Executive Committee consisting of the Chairman, the Vice-Chairman and three other members of the Commission appointed by the Commission, at least one of whom shall be from the Province of Quebec. The Commission has power to appoint a National Capital Planning Committee and other committees in its discretion. (Section 9)

Section 10(1) of the Act defines the objects and purposes of the Commission to be:

"...to prepare plans for and assist in the development, conservation and improvement of the National Capital Region in order that the nature and character of the seat of the Government of Canada may be in accordance with its national significance."

A notable accomplishment of the Commission has been the preparation of a plan for the National Capital Region.

For the purposes of the Act, the Commission has specific powers to acquire (including the power to expropriate), hold, administer or develop property, subject to the constraints mentioned below; to sell, lease, or dispose of any property; to construct, maintain and operate parks, squares, highways, parkways, bridges, buildings and any other works; to maintain and improve any property under the control of the Commission, or any other property under the control and management of the Department at the request of the authority or Minister in charge thereof; to co-operate or engage in joint projects with, or make grants to local municipalities or other authorities for the improvement of, the development of, or maintenance of property; to construct, maintain and operate, certain public amenities on the Commission property; and to preserve and maintain any historic place, or historic museum.

The Commission has general power to do and authorize such things as are incidental or conducive to the attainment of the objects and purposes of the Commission and the exercise of its powers. (Section 10(2)). The Commission has power to make contracts to attain its objectives. However, Section 34 of the Financial Administation Act applies to the Commission. (Section 16(1)). Under Section 34 of the F.A.A., the Governor in Council is authorized to make regulations with respect to the conditions under which contracts may be entered into, and may direct that no contract by the terms of which payments are required in excess of such amount or amounts as the Governor in Council may prescribe, shall be entered into or have any force or effect until entry into the contract has been approved by the Governor in Council or the Treasury Board.

The National Capital Act requires the Commission to co-ordinate the development of public plans in the National Capital Region in accordance with general plans prepared under this Act. (Section 11(1)). With respect to architectural and site planning matters concerning buildings on public lands in the National Capital Region, the Commission has what amounts to full development plan approval powers in the National Capital Region in respect of new buildings and alterations to existing buildings with the exception of interior alterations. A negative decision by the Commission, in effect, may be reversed by the Governor in Council. (Section 11(2)-(7)).

Except with the approval of the Governor in Council, the Commission is prohibited from acquiring any real property for a consideration of more than \$25,000.00, and entering into an agreement or lease for a term in excess of five years. (Section 14). The Commission also may not dispose of real property for a consideration in excess of \$10,000.00, except in accordance with Section 108(2) of the Financial Administration Act. (Section 14.1). Section 108(2) of the F.A.A. generally permits "agent corporations" to seil or otherwise dispose of any property held by the corporation and to retain and use the proceeds of the disposition on authorization by order of the Governor in Council, or in accordance with regulations made under the F.A.A.

The Act establishes a special account in the Consolidated Revenue Fund, known as the "National Capital Fund" to which are credited the amounts appropriated by Parliament for the purposes of the Fund. Amounts are paid from the fund to the Commission to finance the cost of "capital projects" approved by the Governor in Council. Loans to the Commission may also be made by the Fund in accordance with terms and conditions approved by the Governor in Council. (Section 16(1)-(4)). The term "capital projects" is defined to mean "the construction or acquisition of parks, squares, highways, parkways, bridges, railways, buildings and any other works for the purposes of the Act or the acquisition of property therefor". The term also includes "a contribution to a local municipality or other

authority in respect of the cost of the project of the municipality or authority. (Section 16(5)).

Subject to the provisions of the Act relating to the Fund, the Commission may expend for the purposes of the Act any money appropriated by Parliament for the use of the Commission or received by it through the conduct of its operations, or by bequest, donation or otherwise. (Section 17). The principal source of annual operating funds required by the Commission are the annual appropriations by Parliament.

The Act does not provide for the National Capital Fund to be under the control of the Commission, nor does it provide for unexpended appropriations for the Commission in a fiscal year to be carried forward to the next fiscal year if not expended by the Commission. The auditor of the Commission is the Auditor General of Canada. (Section 22).

The power to make regulations for the protection of property of the Commission and for preserving order thereon or for preventing accidents, is delegated to the Governor in Council, rather than to the Commission. (Section 19). This is in sharp contrast to the regulating powers delegated to the Niagara Parks Commission which is discussed later in this section of the report.

As noted above, the National Capital Region is defined in the Act. It comprises a total area of 4,660 square kilometres which span the Ottawa River. About 2,720 square kilometres are located in Ontario and 1,940 square kilometres are located in Quebec. The Region includes twenty-six municipalities and two regional governments each of which has land use planning powers. A major challenge of the Commission is the coordination of its Federal land use planning activities with the planning activities of these municipalities and regional governments.

A new land use plan for Federal lands was published for the Commission in draft form in January, 1987. It currently is being considered by interested authorities. The new plan notes that Canada's capital is not directly controlled by the Federal Government, unlike, for example, the capital of the United States. It also noted that the Federal Government does not have a direct role under the Constitution Act in the governing or in the regulation of use or development of privately-owned land within the National Capital Region. Federally-owned land is the primary resource and policy instrument with which Parliament and the Federal Government can articulate and protect the interest of all Canadians in the Capital. The plan advocates the demonstration of a "wise stewardship of this resource in a manner befitting the Capital of Canada."

The new Federal land use plan is intended to provide direction for the use of all Federal lands in the National Capital Region. It proposes land use policies to reflect the special function of the Capital so as to enhance the Capital's image. Further, it is intended that the plan will supply other jurisdictions with statements of Federal planning intent, which they can take into account in developing their own plans.

METROPOLITAN HALIFAX - DARTMOUTH AREA DEVELOPMENT

The Halifax-Dartmouth Area Development was undertaken pursuant to a Subsidiary Agreement dated March 31, 1975, made between Canada and Nova Scotia. Like the first Tripartite Agreement establishing the Winnipeg Core Area Initiative, which was scheduled to a Subsidiary Agreement between Canada and Manitoba, the Subsidiary Agreement between Canada and Nova Scotia was subsidiary to a General Development Agreement made between the same parties. Unlike the Winnipeg Core Initiative, the Canada-Nova Scotia Subsidiary Agreement did not contemplate that it would be effective only if a further agreement was made between the Canada, Nova Scotia and the Cities of Halifax and Dartmouth.

The purpose of the Subsidiary Agreement was to provide for Canada and Nova Scotia to make investments in the Halifax-Dartmouth Metropolitan Area "to accelerate its development with special emphasis on high technology industries, communication, distribution, and transportation-related industries and a wide range of business and personal services consistent with its evolution as a major business and service centre". The Federal Minister responsible for the Subsidiary Agreement was the Minister reponsible for the General Development Agreement, that is, the Minister of Regional Economic Expansion. Like the Winnipeg Core Area Initiative, the Canada-Nova Scotia Subsidiary Agreement had a term of five years, expiring in 1980.

A schedule to the Subsidiary Agreement set out a list of project/programme items that the Province was to arrange to have carried out. The Province agreed either to undertake these project/programme items itself, or through its agencies, or to endeavour to have the municipalities or private interests undertake them. The Province, the particular municipality, or the private interest, as the case may be, would take over each project on completion and final acceptance and would accept full responsibility for its operation, maintenance and repair. project/programme items included major highway improvements, the construction of two ferries, planning, site preparation, infrastructure construction and development of the Halifax-Dartmouth Waterfront Project as well as the undertaking of certain studies including for example, a Containerization Study.

Under the Subsidiary Agreement, Nova Scotia was responsible for acquiring and bearing the cost of purchase of privately-owned lands within the boundaries of the Halifax-Dartmouth Waterfront Project as such boundaries were agreed to by Canada and Nova Scotia. The Province was also to negotiate the purchase of municipal lands within the Waterfront Project Area. Canada agreed to contribute to the cost of acquisition of the privately and municipally-owned lands. Provincially-owned lots were to be contributed free of cost to Canada. If any lands acquired by the Province for the Waterfront Project thereafter were sold for any purpose other than that set out in the

Waterfront Project, the proceeds were to be divided between Canada and Nova Scotia in the same proportions as their respective contributions to the acquisition of those lands.

The Subsidiary Agreement was administered by a Management Committee. It was to comprise one or more senior officials in equal numbers appointed by each of the Federal Minister and the Provincial Minister named in the Agreement. Each Minister was to appoint one of the members of the Management Committee appointed by him to act as Co-Chairman of the Committee.

The Committee's function was to oversee the planning and implementation of the programs and to perform the other responsibilities set out in the Subsidiary Agreement. These responsibilities included the preparation of annual assessments of progress and the effectiveness of the project/program items in achieving the objectives intended by the agreement as well as the continuing relevance of the objectives themselves.

The Subsidiary Agreements set out rules for determining the "eligible costs" which were to be financed or shared by Canada and Nova Scotia in respect of the project/program items referred to in the agreement. Canada's obligation was fixed as eighty percent (up to a limit of \$79,997,000 dollars) of the total cost of the program. The Subsidiary Agreement also contained detailed payment procedures.

With respect to information, the Subsidiary Agreement provided for the right of access to projects site and the right of access to information as was required by the Federal Minister or the Provincial Minister. Further, the agreement provided for a public information program to be undertaken by Canada and Nova Scotia.

To implement the Waterfront Development Project referred to in the schedule to the Subsidiary Agreement, the Waterfront Development Corporation was incorporated under Provincial law. The Waterfront Development Project had been assigned about \$35,000,000 dollars pursuant to the Subsidiary Agreement. Until the expiry of the Subsidiary Agreement, the board of directors of the Waterfront Development Corporation comprised an equal number of Federal and Provincial designees.

When the Subsidiary Agreement expired in 1980, the Waterfront Development Corporation continued as a Provincial Crown Corporation. As the terms of office of the federally designed members of the board of directors expired, those members were replaced by Provincial designees. At the present time, the Waterfront Development Corporation is exclusively a Provincial Crown Corporation. It is understood that lands within the Waterfront area largely were acquired from private land owners. These lands together with certain Provincially owned lands were transferred to the Waterfront Development Corporation for development in accordance with the Waterfront plan and the Subsidiary Agreement. Two historic buildings were rehabilitated by the Corporation which also developed the

Marine Museum. An additional site was leased to the Sheraton Hotel Corporation and developed as a new hotel. A significant amount of underdeveloped land remains vested in the Corporation at the present time. In accordance with the Subsidiary Agreement the revenues from the development and the potential for development of the undeveloped lands are the property of the Province. Except as noted below, the Province has no financial obligations therefore to the Federal Government.

On the expiry of the Subsidiary Agreement, the Province assumed responsibility for all operating deficits of the Waterfront Development Corporation. Federal contributions ended with the expiry of the Agreement. However, if any land to the cost of which the Federal Government made a contribution is disposed of otherwise than in accordance with the approved Waterfront plan, the Federal Government will share in the proceeds of the disposal.

With respect to the other project/programme items referred to in the Subsidiary Agreement which were noted above, I understand that they were completed within the five year term of the Subsidiary Agreement or shortly thereafter. The agreement has not been renewed or replaced. It was substantially performed by the end of its term in 1980.

THE NIAGARA PARKS COMMISSION

The predecessor of the Niagara Parks Commission was established by The Queen Victoria Niagara Falls Park Act, 1887. The Commission was continued by the Niagara Parks Act R.S.O. 1980, c. 317 as a corporation with the objects, powers and duties prescribed in the Act. The Commission's principal objective as set out in section 4 is "to manage, control and develop the Parks". The term "Parks" is specially defined by section 1(c) to mean the "Queen Victoria Park, the Queenston Heights Park, the Niagara River Parkways, Butler's Burying Ground, Drummond Hill Burying Ground, Lundy's Lane Battle Field and all other land heretofore or hereafter vested in or placed under the control of the Commission".

The lands within the Commission's jurisdiction are located in the Regional Municipality of Niagara and certain area municipalities of that municipality, including the Town of Fort Erie, the City of Niagara Falls and the Town of Niagara-on-the-Lake. The Commission's lands are of great scenic value and historic significance. For the most part, they are deployed along the Niagara Parkway which runs parallel to the Niagara River for about twenty-six kilometres. The Queenston Heights Park surrounds a historic monument owned by the Federal Crown. Fort George which is also owned by the Federal Crown, is adjacent to park lands which are under the Commission's jurisdiction.

Section 3(2) of the Act sets out the composition of the Niagara Parks Commission. It is to have not fewer than ten and not more than twelve members all of whom are to be appointed by the

Heutenant Covernor in Council. Four members are to be appointed annually from the members of the councils of the Regional Municipality of Niagara, the Town of Fort Erie, The City of Niagara Falls and the Town of Niagara-on-the-Lake. respectively, upon the recommendation of the relevant council. A majority of the members, that is, six or eight depending on the total complement of the Commission, are to be appointed by the Lieutenant Governor in Council, for terms of three years each there is no limitation of the qualifications of these members. Their terms are to be staggered so that not more than two members appointed for three year terms will retire each vear. Interestingly, the Act permits a member of the Legislative Assembly of Ontario to be appointed as a member of the Commission without vacating or forfeiting a seat or incurring any other penalty.

The Lieutenant Governor in Council is authorized to designate two members of the Commission as Chairman and Vice-Chairman, respectively, and to determine their annual renumeration. The other members of the Commission are to receive a renumeration at a per diem rate fixed by the Lieutenant Governor in Council.

The Commission employs a large staff and the 1986 fiscal year budgeted \$13.6 million dollars for salaries.

To enable the Commission to perform its responsibility to manage, control and operate the "Parks", the Commission has been delegated extensive powers by Section 4 of the Niagara Parks Act. These powers include powers to lay out, plan and enclose the "Parks"; to construct or acquire bridges over the Niagara River and to enter into agreements as may be required in respect of such bridges, with any authority having control of the territory beyond the International Boundary; to construct and operate restaurants and certain tourist facilities and user amenities; to receive grants and gifts of real and personal property; and to make agreements with persons for the establishment or operation by them of works or services in connection with the "Parks".

Subject to the approval of the Lieutenant Governor in Council, the Commission has power to acquire land by purchase lease or expropriation and sell or otherwise dispose of land so acquired. (Section 7). The Lieutenant Governor in Council is authorized by the Act to vest in the Commission title to any portion of the foreshore or bed of the Niagara River or land covered with water in the Niagara River that lies in front of the "Parks" and that is the property of the Crown and right of Ontario. A similar authority is set out in the Act to vest in the Commission title to any municipal highway abutting or running through one of the "Parks". (Sections 7 and 9).

The Commission is delegated limited regulatory powers under Section 21 of the Niagara Parks Act. It may regulate and govern the use of the "Parks" by the public; prescribe tolls for the occupation and use of "Parks" lands, works, vehicles,

boats, golf courses, bowling greens, swimming pools and services under the Commission's jurisdiction; prescribe permits and fees in connection with the use of the "Parks"; and licence, regulate and govern taxi-cabs and guides as well as prescribe fees for such licences. All of these are powers ordinarily are delegated to the municipalities in which the land in question is located.

The Commission obtains substantial revenues from sales of souvenirs, china and post cards amounting in the fiscal year 1986 to approximately \$13.2 million dollars. In the same fiscal year, sales of food and beverages generated revenues of \$9.2 million dollars, and fares and admissions to the "Parks" generated revenues of \$6.4 million dollars.

Subject to any order of the Lieutenant Governor in Council, the Commission collects water revenues and rentals under agreements made between the Commission and certain companies which use water power to generate electricity. In 1986 revenues from this source amounted to about twenty percent of the Commission's total income.

With the approval of the Lieutenant Governor in Council, the Commission may borrow money to meet its indebtedness, or for purchasing or otherwise acquiring real or personal property, or making improvements or for any other purpose of the Commission and may issue, bonds, debentures, notes or other securities to secure the Commission's promise to repay such loans. These

securities may be guaranteed by the Province of Ontario. (Section 5).

The Act does not require the annual payment of any surplus monies of the Commission to the Treasurer of Ontario for deposit in the Consolidated Revenue Fund. Rather any such surplus monies may be carried forward from year to year to accumulate together with interest thereon to the Commission's credit, and so are available for expenditure in a later year(s). Only when the Lieutenant Governor in Council so orders, is any surplus to be paid to the Treasurer of Ontario to form part of the Consolidated Revenue Fund. The Commission's cash reserves as of October 31, 1986 were \$13.5 million dollars. The right of the Commission to retain surpluses from fiscal year to fiscal year has been an important element in the success of the Commission to meet its statutory responsibility.

Accounts which are required to be kept by the Commission are to be open to inspection by any member of the Commission or by the Treasurer of Ontario. (Section 16). The books and records of the Commission are to be audited annually by the Provincial Auditor or other auditor designated by the Lieutenant Governor in Council. (Section 17). After the close of each fiscal year the Commission is to file an annual report with the Minister of Natural Resources who is to submit it to the Lieutenant Governor in Council. He is also to lay the report before the Legislative Assembly. (Section 19).

The Commission was actablished as a Provincial agency to accomplish a significant Provincial objective, the development and management of an important park system comprising parts of several municipalities. The Niagara Parks Act not only arms the Commission with powers to perform its responsibilities in this regard, but also provides for the availability of resources that may be husbanded by the Commission to generate revenues which can be expended by it to perform its responsibilities. The close relationship of the Commission's mandate to the normal responsibilities of municipalities in respect of parks and the natural environment is recognized in the Act by the formula by which the composition of the membership of the Commission is determined. Clearly, however it is the Province which appoints the Commission. Commission reports through the responsible Minister, the Minister of Natural Resources, to the Legislative Assembly of Ontario and is accountable to the Province. Unlike the National Capital Commission, the Niagara Parks Commission is delegated certain regulatory powers in respect of the Parks. powers that but for the Act would be delegated to the municipalities within which components of the "Parks" were located. The justification for this is found in the significance to the Province of the development and maintenance of an exceptional inter-municipal park system in this historic and scenic area of Ontario.

THE NIAGARA ESCARPMENT COMMISSION

The Niagara Escarpment Commission was established by the Niagara Escarpment, Planning and Development Act, 1973, S.O. 1973, c. 52. It has been continued by the Niagara Escarpment, Planning and Development Act, R.S.O. 1980, c. 316. It is established as a corporation. (Section 5).

The Niagara Escarpment Commission is a Provincial agency established to provide for the maintenance of the Niagara Escarpment as a continuous natural environment and to ensure that development that occurs as is compatible with that natural environment. The strong Provincial interest in protecting this unique and natural resource, was seen as justifying the transfer of normal planning and regulatory powers from the municipalities in which the Escarpment is located to the Provincially appointed and responsible Commission. Ontario funds the 'Commission and the Lieutenant Governor in Council appoints its members. The Niagara Escarpment Plan is approved by the Lieutenant Governor in Council, thus suggesting that it is considered to be a Provincial Plan regionally developed and regionally expressed. As far as land acquisition, development and disposals are concerned, consistent with the notion that the Commission is a Provincial planning and regulatory Agency. it is the Minister responsible for the Act who is given authority with the approval of the Lieutenant Governor in Council to acquire land for the purpose of developing any

feature of the Niagara Escarpment Plan, and to develop and dispose of that land.

The Commission essentially is a planning agency with a geographic area of jurisdiction comprising the Niagara Escarpment Planning Area. The Act provides for the designation of the Act by the responsible Minister, the Provincial Secretary for Resources Development. The area which has been designated includes parts of a large number of municipalities. In effect, the Commission, planning and development control powers with respect to the Act supercede the normal powers of those municipalities under the Ontario Planning Act, 1983, S.O. 1983, c. l. The Commission is the vehicle by which the central purpose of the Act is to be achieved, that is "to provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment". (Section 2).

The Commission is composed of seventeen members appointed by the Lieutenant Governor in Council according to a formula set out in section 5 of the Act. Under that formula, nine members are to be appointed as representative of the public at large. Of the eight remaining members, one is to be appointed from a list containing the names of not less than three persons submitted by the County Council or Regional Council, as the case may be, of each County and Regional Municipality whose

jurisdiction includes any part of the Niagara Escarpment Planning Area. Persons eligible to be included in such lists are restricted to members or employees of the council of municipalities whose area of jurisdiction includes a part of the Niagara Escarpment Planning Area.

The Lieutenant Governor in Council is to designate one of the members appointed to represent the public at large to be Chairman of the Commission. The salaries and other renumerations of members of the Commission are fixed by the Lieutenant Governor-In-Council. Officers, clerks and employees necessary for the purposes of the Commission are appointed under the Public Service Act.

Subject to the approval of the Provincial Secretary, the Commission is authorized to engage persons to provide professional, technical or other assistance to the Commission.

All of the Commissions financial requirements are to be paid out of monies appropriated therefor by the Ontario Legislature. (Section 6).

To provide further representation to the municipalities and the Niagara Escarpment Planning Area and the people of the planning area, the responsible Minister is required by section 4 of the Act to establish two or more advisory committees consisting of such persons as he may appoint. One of these committees is to represent the municipalities in the Area. Another of them is to be "broadly representative of the people of the Area".

Their function to advise and make recommendations to the Minister through the Commission in respect of the preparation and implementation of the Niagara Escarpment Plan. (Section 4).

As indicated above, the Commission has two main functions. The first function relates to the preparation of the Niagara Escarpment Plan for the Niagara Escarpment Planning Area. The objectives which are to be sought by the Commission include the protection of a unique ecologic and historic areas: the maintenance and enhancement of the quality and character of natural streams and water supplies: the providing of adequate opportunities for outdoor recreation: the maintenance and enhancement the open landscape character of the Niagara Escarpment insofar as it is possible by such means as compatible farming or forestry and by preserving the natural scenery; ensuring that all new development is compatible with the purpose of the Act; the making of provisions for adequate public access to the Miggara Escarpment: and the support of municipalities within the Area in the exercise of their planning functions conferred upon them by the Planning Act.

The matters that are to be addressed in the Niagara Escarpment Plan are inventoried in Section 9 of the Act. A process is established by the Act in respect of the preparation of the Niagara Escarpment Plan, a planning process that is designed to involve both municipalities and interested persons. Following

the completion of the process required to be followed in respect of the preparation of the Niagara Escarpment Plan and the conduct of a hearing into any objections thereto, the Act provides for the Plan to be approved by the Lieutenant Governor in Council before it comes into force.

The Lieutenant Governor in Council has approved the Niagara Escarpment Plan and it currently is in effect. Section 13 of the Act spells out the legal effect of the plan as far as municipalities and that advice itself are concerned. It provides that no municipality or local board having jurisdiction in the Niagara Escarpment Planning Area and no Ministry shall undertake any improvement of a structural nature or any other undertaking within the Area or pass a by-law for any purpose that is in conflict with the Niagara Escarpment Plan. The Act contains special provisions to resolve conflicts between municipal official plans and zoning by-laws on the one hand and the Niagara Escarpment Plan on the other hand. (Section 15).

The second main function of the Commission is to administer the extensive system of site development control established by the Act. This system superceedes the ordinary system of land use controls available to municipalities in Ontario, that is zoning augmented by limited site development control under section 40 of the Planning Act, 1983.

With respect to land acquisitions, development, and disposals, although the Act does not delegate any power in this regard to the Commission, the responsible Minister is delegated power for and in the name of Her Majesty and for the purposes of developing any feature of the Niagara Escarpment Plan to acquire land within the Niagara Escarpment Planning Area, and to sell, lease or otherwise dispose of any such land for interest therein. Further, with the authority of the Lieutenant Governor in Council any Minister of the Ontario Crown in respect of any land acquired under Section 18 of the Act may develop any feature of the Niagara Escarpment Plan by clearing, grading or otherwise preparing the land for development or constructing, repairing or improving buildings, works and facilities thereon, or selling leasing or otherwise disposing of any such land or interest therein.

An important feature of the Act which should be noted is that it contemplates the transfer of the Commission's functions to the Council of the Regional Municipalities and Counties within the Niagara Escarpment Planning Area. Section 21 of the Act provides that where in the opinion of the Lieutenant Governor in Council the Niagara Escarpment Plan has been substantially completed for any part of the Niagara Escarpment Planning Area, on the application of the relevant Council, he may by order and subject to such terms and conditions as he considers appropriate, transfer any of the functions of the Commission to the Council of a Regional Municipality or the Council of a County.

WINNIPEG CORE AREA INITIATIVE

The Winnipeg Core Area Initiative has been undertaken pursuant to two successive five year Tripartite Agreements. The Core Area comprises about ten square miles in the heart of Winnipeg. It contains about one-fifth of the City's population and one-quarter of its dwelling units and has suffered from social, economic and physicial deterioration.

The second overriding objective of Canada, Manitoba and the City of Winnipeg was the establishment of a mechanism by which there could be established a coordinated focus of the activities of all three levels of government on the economic and socio-economic problems of the Core Area.

The current Tripartite Agreement was provided for in a second Subsidiary Agreement applicable to the Core Area and dated October 10, 1986. It was made between Canada and Manitoba pursuant to an Economic and Regional Development Agreement dated January 4, 1984 between the same parties. Under the latter Agreement, Canada and Manitoba agreed to cooperate jointly in selecting and implementing initiatives for the economic and regional development of Manitoba. The financial arrangements between Canada and Manitoba set out in the Subsidiary Agreement were determined on the basis that Canada and Manitoba each would contribute a maximum of \$33,333,334 dollars in respect of approved projects, and that Manitoba would arrange for the City of Winnipeg to undertake to

contribute a maximum of \$33,333,334 dollars in respect of "approved projects". All approved projects were to be undertaken in accordance with the provisions of the second Tripartite Agreement which was scheduled to the Subsidiary Agreement.

The first Tripartite Agreement was executed by Canada, Manitoba and the City of Winnipeg on September 4, 1981. It was executed at the same time as a Subidiary Agreement to the General Development Agreement between Canada and Manitoba. The first Tripartite Agreement provided for contributions from each of Canada, Manitoba and the City of Winnipeg for "cost-shareable projects" of a maximum of \$32,000.00 each.

The second Tripartite Agreement was executed by Canada, Manitoba and the City of Winnipeg on October 10, 1986. What follows is an outline of the arrangements which currently are in place between Canada, Manitoba and the City of Winnipeg under the second Tripartite Agreement. It is important to note with respect both to "cost-shareable projects" under the first Tripartite Agreement and "approved projects" under the second Tripartite Agreement that the City of Winnipeg's contributions were to be in respect of certain items that but for the agreements would have been undertaken as capital expenditure items by the City in accordance with its capital budget.

The purpose of the second Tripartite Agreement is stated to be the provision of a mechanism for the implementation of the

development opportunity identified in the Subsidiary Agreement. and thereby to stimulate investment, employment and income growth: to support the physical, economic and social revitalization of inner-City neighbourhoods, including the provision of special employment opportunities; and to maximize the impact of physical and social investment on Core Area revitalization through the provision of strong central coordination amongst projects. Schedules to the second Tripartite Agreement contain a summary of the existing circumstances, strategy, sectors and programs: a summary of costs for implementing these programs: a statement of complimentary programs: and an allocation of responsibilities with respect to the East Yards area of the Core Area. They also assign implementation responsibilities to the parties to the Agreement with respect to a number of specific programs. central administration, public information and evaluation.

In order to pursue and achieve the objectives of the Core Area Initiative, each of the parties to the second Tripartite Agreement agrees to coordinate their efforts and activities in order to effectively and efficiently integrate projects under the second Tripartite Agreement with other federal, provincial and municipal initiatives with complimentary programs.

Administration and management is addressed in Section 4 of the second Tripartite Agreement. Overall management and direction is the responsibility of the Policy Committee who are to issue

specific or general policy guidelines or directions to the Management Board and/or to the General Manager. The Policy Committee is made up of the Federal Minister of Regional Industrial Expansion, the Manitoba Minister of Urban Affairs and the member of the City of Winnipeg Council appointed from time to time by City Council itself, or any of their respective designees.

In addition to its overall management responsibilities, the Policy Committee must approve the selection of a General Manager of the Core Area Office and certain implementation decisions. Very importantly, all decisions of the Policy Committee must be unanimous, and in writing.

Management Board consisting of seven regular, three ex officio and three associate members. The regular members are the General Manager who acts as Chairperson of the Management Board, two senior officials to be appointed by the federal member of the Policy Committee, the Deputy Minister of Urban Affairs of Manitoba, a second representative from Manitoba appointed by the Minister of Industry, Trade and Technology, the Chief Commissioner of the City of Winnipeg, and the Commissioner of the Environment of the City of Winnipeg. One of the ex-officios, non-voting members is to be appointed by each of the federal and provincial members of the Policy Committee, the other ex-officio member by the City of Winnipeg.

The three associate members who are to attend Management Board meetings but have no vote are to be appointed one each by the senior Federal Management Board representative, the senior Provincial Management Board representative and by the senior City Management Board representative, respectively.

The Management Board is responsible for the administration and supervision of programs and projects in the Core Area, subject to any specific or general directions from the Policy Committee.

To constitute a meeting of the Management Board, there must be a minimum of four voting members present including the General Manager and at least one regular member from each of Canada, Manitoba and Winnipeg. Decisions of the Management Board require the unanimous approval of the regular voting members present. If a unanimous decision is not possible on any matter, that matter is to be referred to the Policy Committee whose decision must be unanimous to be effective. No provision is made in the second Tripartite Agreement for resolution of matters emanating from the Management Board on which a unanimous decision of the Policy Committee prove not to be possible.

As noted above, there is to be a General Manager of the Core
Area Office whose selection must be approved by the Policy
Committee. The General Manager's responsibilities are to
coordinate and facilitate the activities and programs that will

be carried out in accordance with the second Tripartite Agreement. He is also to provide liason between Canada, Manitoba and Winnipeg, the private sector, the public sector and the community at large. The General Manager is Secretary to the Policy Committee and the Chairperson of the Management Board.

The Core Area Office is to be established by the General Manager. It is to be made up of the General Manager and such other staff or professional services as the General Manager deems necessary, as may be approved by the Management Board. The Core Area Office is to assist the General Manager with the overall liason and coordination of projects under the second Tripartite Agreement.

The three associate members of the Management Board form the Coordinator's Sub-Committee. It is chaired by the General Manager or his delegate. The members of the Sub-Committee generally represent their respective jurisdictions and coordinate the programming with other complimentary and private sector resources; receive and analyze financial and other information on jointly-approved projects and present regular program and financial status reports to the Management Board; scrutinize and modify, as appropriate, the annual work plans for managers of jointly-approved and complimentary programs and recommend to the Management Board a consolidated annual work plan for the second Tripartite Agreement; recommend to the

Management Board guidelines and criteria for the efficient implementation of projects within a program; review all matters which require decisions by the Management Board in order to clarify issues, delineate options and recommend solutions consistent with the intent of the second Tripartite Agreement; and insure that decisions by the Management Board are communicated to Program Managers in their respective jurisdictions and facilitate the execution and directions from the Management Board by the Program Managers.

Section 5 of the second Tripartite Agreement details the implementation procedures that are to be followed. Before the costs of any project arising from one of the programs outlined in the second Tripartite Agreement are eligible to be shared by the parties to the agreement, the particular project must be approved by the Management Board as provided in Section 5 of the agreement. When the Management Board approves a project it is to designate one of the parties to the second Tripartite Agreement as being responsible for the implementation of that project. The implementing jurisdiction in consultation with the other two parties to the second Tripartite Agreement be responsible for taking such steps as may be necessary to carry out the project in question. Although not spelled out in the second Tripartite Agreement, these steps may involve the incorporation of a corporation to effect a particular development and the entering into of fourth party contracts.

Section 6 of the second Tripartite Agreement deals with the financial arrangements between the parties. As noted above. each of the parties is to contribute a maximum of \$33,333,334.00 dollars to implement the second Tripartite Agreement. Section 6 of the agreement empowers the Management Board to determine shareable costs for the purpose of the agreement. Payment procedures are set out in section 7 of the agreement. Each implementing jurisdiction is responsible in the first instance to pay all costs of implementing a project In accordance with the payment procedures set out in section 7. Provision is made, however, for special interim financing arrangements. Each implementing jurisdiction is entitled to recover the proportionate share of the shareable costs set out in each "Project Authorization" which are incurred and expended under such authorization from the other parties to the second Tripartite Agreement. Certification of claims, the keeping of accounts and records and access thereto and auditing requiremen ts are also set out in section 7.

In the event that revenue is produced within ten years from the effective date of the second Tripartite Agreement by an implementing jurisdiction, for example, selling or otherwise disposing of real property or capital equipment acquired under the agreement, an amount equal to the appraised market value of the real property or capital equipment or the sale price of the real property or capital equipment concerned, whichever is greater, constitutes shareable revenue unless the Management

Board determines that the amount, or any portion thereof is to be non-shareable revenue. Section 8 of the agreement provides for the adjustment of accounts between the parties to the Agreement with respect to shareable revenue.

Section 10 of the second Tripartite Agreement sets out rules respecting public information and cooperation including the signage of projects which implement the Tripartite Agreement.

The second Tripartite Agreement assumes that the normal planning and land use control powers of the City of Winnipeg under the City of Winnipeg Act will continue to be available to and excercised in respect of the Core Area. At the same time the constitutional and Crown immunity of Canada and Manitoba are left unimpaired by the agreement.

As noted above the second Tripartite Agreement has a term of five years. It expires on March 31, 1991. At such time a new agreement may be made, or the Winnipeg Core Area Initiative may come to an end.





DRAFT PRINCIPLES OF UNDERSTANDING

BETWEEN THE GOVERNMENTS OF CANADA AND ONTARIO

In recognition of the status of Toronto as the Capital of Ontario, in recognition of the historic, present and future importance of the Toronto Waterfront Area to Canada, Ontario and to the residents of Toronto, in recognition of the interest of Metropolitan Toronto and the City of Toronto in the Waterfront Area, and in order to maximize the value to and the use of the Waterfront Area by the residents of Toronto, Canada and Ontario hereby record their commitment to the development of a Waterfront Area that is organized around generous and gracious public parks and public infrastructure. comprises a high quality environment, contains a range of public facilities and amenities that encourage year-round use of the Waterfront Area, and also contains suitable development which meets the highest standards of urban and architectural design and complements and reinforces the primary characteristics of the Waterfront Area as both public and accessible. (The Toronto Waterfront Area is shown on the plan attached to these Principles.)

Canada and Ontario own or have control over significant parts of the Toronto Waterfront Area.

Both Canada and Ontario have agreed that their commitments to the Waterfront Area can be implemented

most effectively by the joint actions set out below including the establishment of the Toronto Waterfront Authority to which will be assigned appropriate powers, responsibilities and resources, and to which will be transferred lands which are surplus to the functional requirements of the relevant departments of the public services of Canada and Ontario, and the agencies of Canada and Ontario.

Accordingly, Canada and Ontario will take the following actions:

- 1. Canada and Ontario will direct the interested departments of their respective public services and their respective Crown Corporations to undertake and to complete within two months from the date of these Principles, the preparation of statements of the lands within their custody or jurisdiction that are surplus to their functional requirements. Immediately after the statements have been completed, Canada and Ontario will communicate them to each other.
- Canada will request the Toronto Harbour Commissioners to undertake and to complete, within two months from the date of these Principles, the preparation of a statement of the lands now vested in the Commissioners which were transferred to it

by Her Majesty the Queen in Right of Canada, which have not been sold or leased by the Commissioners, or if leased, the lease has an unexpired term of less than ten years, and which lands are not necessary to meet the functional requirements of the Port of Toronto. Immediately after the statement is received by Canada, Canada will communicate it to Ontario.

- Canada will request the Governor in Council to rescind Order in Council P.C. 1385 which was made pursuant to the Toronto Harbour Commissioners Act, 1911.
- 4. Canada and Ontario immediately will appoint the Chairman and members of Intergovernmental Waterfront Committee as set out below. The Committee shall comprise two persons appointed by the Governor in Council, two persons appointed by the Lieutenant-Governor in Council, and a Chairman. The Chairman shall be appointed by the Governor in Council and the Lieutenant-Governor in Council. All of these members including the Chairman shall be voting members of the Committee.

The Council of Metropolitan Toronto and the City of Toronto will be invited to appoint one member each of their respective Councils who shall be an exofficio non-voting member of the Committee and who shall be entitled to attend and participate in all meetings of the Committee.

The Chairman and the other members of the Committee shall be paid such remuneration as the appointing persons or person may fix. The Chairman and other members of the Committee shall hold office until the Committee is terminated by the Governor in Council and the Lieutenant-Governor in Council. The Chairman and other members of the Committee may be removed from office and replaced by the persons or person who appointed the Chairman or the other member, as the case may be.

The Chairman's duties and remuneration shall be fixed by the designated Federal Minister and the designated Provincial Minister.

On the recommendation of the Chairman and with the approval of the designated Federal Minister and the designated Provincial Minister, the Committee shall appoint a Director, establish the Director's term of office, and determine the Director's duties.

On the recommendation of the Director the Committee may employ such staff and retain such consultants as the Committee considers necessary to enable it to perform its responsibilities under these Principles.

The remuneration to be paid to the Director and members of the staff of the Committee shall be determined by the Committee subject to the approval of the designated Federal Minister and the designated Provincial Minister.

The Committee will continue until it is terminated by the Governor in Council and the Lieutenant-Covernor in Council.

The procedures to he followed the Intergovernmental Waterfront Committee in calling for tenders before making contracts, in keeping accounts and records, in preparing budgets and submitting them for approval by the designated Federal Minister and the designated Provincial Minister, in causing audits and reports to be prepared and submitting them for aproval by the designated Federal Minister and the designated Provincial Minister, and in making expenditures on account of the remuneration of the Chairman and members of the Committee and for the purposes of the Committee shall be specified in an agreement which Canada and Ontario intend will be settled and executed by the designated Federal Minister and the designated Provincial Minister.

- 5. Acting in close consultation with Metropolitan Toronto, the City of Toronto, interested private landowners and members of the public, the Intergovernmental Waterfront Committee shall prepare a Concept Plan for the Toronto Waterfront Area, and shall submit the same to the designated Federal Minister and to the designated Provincial Minister for approval by them not later than December 31, 1987,.
- 6. Ontario will present a Bill to the Legislative Assembly of Ontario to incorporate the Toronto Waterfront Authority. Ontario records its intention to present the Bill to the Legislative Assembly not later than January 31, 1988 if the Legislative Assembly is then in Session, or if it is not, at the first convenient opportunity after January 31, 1988 that the Legislative Assembly is in Session.
- 7. The Bill to incorporate the Authority will provide that for the duration of these Principles the Authority shall comprise a minimum of five and a maximum of seven members including the Chairman of the Authority. The Covernor in Council and the Lieutenant-Governor in Council shall appoint two persons each to the Authority. The Governor in

Council and the Lieutenant-Governor in Council shall appoint another person to be Chairman of the Authority.

If Metropolitan Toronto transfers lands which are surplus to its functional requirements to the Authority, the Lieutenant-Governor in Council may appoint one of the members of the Council of Metropolitan Toronto to be a voting member of the Authority. If the City of Toronto transfers lands which are surplus to its functional requirements to the Authority, the Lieutenant-Governor in Council may appoint one of the members of the Council of the City of Toronto to be a voting member of the Authority. These appointments shall be in addition to the two other members of the Authority who are to be appointed by the Lieutenant-Governor in Council.

The Chairman shall be appointed for such period, on such terms including remuneration, and with such duties as may be fixed by the Governor in Council and the Lieutenant-Governor in Council.

On the recommendation of the Chairman and with the approval of the designated Federal Minister and the designated Provincial Minister, the Authority shall appoint a Director, establish the Director's term of office and fix the Director's duties and

The Authority may employ such staff and retain such consultants as the Authority considers necessary to enable it to perform its responsibilities.

The qualifications, terms of office, removal from office, and remuneration of the members of the Authority will be reported on by the Intergovernmental Waterfront Committee referred to below.

8. The Bill will require that acting in close consultation with the designated Federal Minister, the designated Provincial Minister, Metropolitan Toronto, the City of Toronto, interested private land owners and members of the public, the Authority shall prepare, and shall review regularly a Development Plan for the Toronto Waterfront Area. The Bill will also require the Development Plan to be completed and to be submitted both to the designated Federal Minister and to the designated Provincial Minister for their approval not later than six months after the Authority is established. The Development Plan shall be generally consistent with the approved Concept Plan for the Toronto Waterfront Area.

The Intergovernmental Waterfront Committee will report on the other duties, powers and responsibilities of the Authority.

9. Forthwith after the Development Plan for the Toronto Waterfront Area has been approved by the designated Federal Minister and the designated Provincial Minister, Canada and Ontario will transfer those lands in the Toronto Waterfront Area which are in the custody or under the jurisdiction of departments of their respective public services and which are surplus to their functional requirements, to be transferred to the Authority for a nominal consideration. Canada and Ontario will endeavour to cause their respective Crown Corporations similarly to transfer lands to the Authority vested in them and which are surplus to their functional requirements, to the Authority. Canada will endeavour to cause the Toronto Harbour Commissioners to transfer lands which have been transferred to it by Her Majesty the Queen in Right of Canada and which have not been sold or leased, or if leased the lease has an unexpired term of less than ten years, to be similarly transferred to the Authority.

Revenues produced from the sale or lease of lands by the Authority shall be distributed by the Authority to Canada and Ontario in the same proportions as the market value of the lands transferred to the Authority by each of them. or which they have caused to be transferred to the Authority by their respective Crown Corporations. and, in the case of Canada, transferred by Canada to the Toronto Harbour Commission and caused by Canada to be transferred to the Authority by the Commissioners, bears to the aggregate market value of all the land which has been so transferred to the Authority. The Intergovernmental Waterfront Committee will report on the date or dates on which and the mechanisms by which market values are to be determined for the purposes of these Principles. the means by which the intent of this paragraph may be implemented and whether the Authority should have the power to retain and to disburse for its purposes other revenues generated by activities of the Authority.

10. The operating expenses of the Intergovernmental Waterfront Committee will be shared equally by Canada and Ontario. The operating costs of the Authority will be shared equally by Canada and Ontario. Responsibility for the capital costs incurred by the Authority in respect of the development of public parks and facilities, the construction of infrastructure and the extension of the land area of the Waterfront Area, the relocation or reconstruction of existing infrastructure elements including contributions to the municipality responsible for particular elements, and other capital costs which should be shared by Canada and Ontario, will be reported on by the Intergovernmental Waterfront Committee.

Canada and Ontario intend to contribute up to \$500,000 each to fund the Intergovernmental Waterfront Committee. On the termination of the Committee, the unexpended balance of this sum is intended to provide initial funding for the Toronto Waterfront Authority.

Prior to the presentation of the Bill to establish the Authority to the Legislative Assembly, Canada and Ontario intend that the designated Federal Minister and the designated Provincial Minister will enter into a further agreement dealing with the contributions of Canada and Ontario to the operating and capital fund requirements of the Authority.

11. Canada recognizes that Ontario may delegate to the Authority any land use planning and control powers which are within the Constitutional authority of Ontario as Ontario may consider to be appropriate. These powers may include the power to impose interim development control on the Waterfront Area pending the preparation and approval of either or both the Concept Plan for the Toronto Waterfront Area and the Development Plan for the Toronto Waterfront Area.

If Ontario decides to delegate such powers to the Authority, the Bill which establishes the Authority either shall provide or shall be amended to provide that only those members of the Authority who have been appointed by the Lieutenant-Governor in Council and the Chairman of the Authority shall exercise the land use planning and control powers which have been delegated to the Authority in the name of the Authority.

The portion of the operating costs of the Authority which is attributable to the exercise of such powers by the Authority shall be the responsibility of Ontario and shall be in addition to the other funds which Ontario intends to contribute under these Principles.

- 12. Ontario will endeavour to obtain the co-operation and participation of Metropolitan Toronto and the City of Toronto both in the implementation of the intent of these Principles and in the Authority's performance of its mandate. Ontario will endeavour to obtain the co-operation of the City of Toronto. in requesting the Toronto Harbour Commissioners to transfer those lands to the Authority for a nominal consideration which originally were transferred to the Commissioners by the City of Toronto. Ontario will endeavour to obtain the agreement of Metropolitan Toronto and the City of Toronto to transfer lands to the Authority that each owns which are surplus to their respective functional requirements on similar terms to those provided for in these Principles.
- 13. In the event that either or both of Metropolitan Toronto and the City of Toronto transfer lands to the Authority which are surplus to their functional requirements, or in the event that the Toronto Harbour Commissioners transfers lands to the Authority which originally were transferred to the Commissioners by the City as referred to in these Principles, Metropolitan Toronto and the City of Toronto, as the case may be, shall be entitled to participate in the distribution of revenues from

sales or leases of lands by the Authority on a similar basis to the basis on which Canada and Ontario will participate in such distribution.

14. On the termination of these Principles, Canada and Ontario may terminate the Authority, or reconstitute it with such membership and powers as Ontario considers to be appropriate in the circumstances.

The Intergovernmental Waterfront Committee will report on whether the assets and liabilities of the Authority should be assigned to Canada, Ontario and the participating municipalities on the termination of the Authority, and if so the basis on which the assignment should be made.

- 15. Not later than December 31, 1987, the
 Intergovernmental Waterfront Committee will report
 to the designated Federal Minister and the
 designated Provincial Minister on the matters
 referred to above in these Principles, and upon the
 following additional matters:
 - (a) Implementation arrangements with Metropolitan Toronto and the City of Toronto.
 - (b) Access of representatives of the designated Federal Minister and the designated Provincial Minister to all lands vested in the Authority.

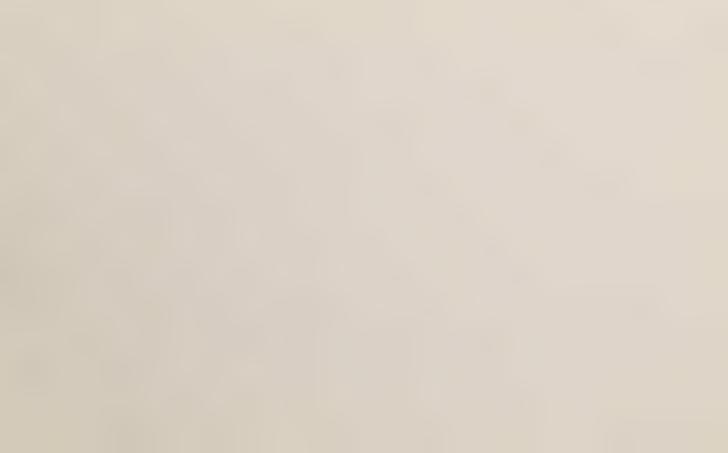
- (c) Access of representatives of the designated Federal Minister and the designated Provincial Minister to all records and accounts of the Authority.
- (d) Reports by the Authority on its records and accounts to the designated Federal Minister and the designated Provincial Minister.
- (e) The Authority's budgeting procedures and approval requirements in respect of the Authority's budget.
- (f) A plan for the staff of the Authority.
- (g) Employment of staff and consultants by the Authority.
- (h) Infrastructure, extension of land areas and development responsibilities of the Authority, Canada, Ontario, the Municipality of Metropolitan Toronto, the City of Toronto, the Toronto Harbour Commissioners and interested railway companies
- (i) Acquisition of additional property by the Authority.
- (j) Means by which the Authority can ensure the achievement of the highest standards of public park and infrastructure design as well as urban and architectural design.

- (k) Policy and procedure to be followed by the Authority in selling or leasing lands transferred to the Authority, and the tendering policy and procedure to be followed by the Authority in making contracts.
- (1) Means by which the Authority will be required to consult with Metropolitan Toronto and the City of Toronto, private landowners and members of the public in performing its responsibilities
- (m) Capital cost-sharing arrangements among Canada, Ontario and the responsible municipalities;
- (n) All matters incidental to the achievement of the intent of these Principles including the content of a draft Bill to establish the Authority.
- 16. For the purpose of these Principles, the designated Federal Minister shall be the Prime Minister of Canada or the Federal Minister designated by him, and the designated Provincial Minister shall be the Premier of Ontario or the Ontario Minister designated by him.

17.	These Principles shall have a term of ten years
	They may be terminated earlier or extended for
	longer term by agreement of Canada and Ontario.
Dated	at Ottawa, Ontario this day of
1987.	







ö or the Establishment Lands Steering Group for Proposal f a Railway

1978 8 August

ro Toronto 44 ö S posal deals with the establishment posal deals with the preparation of the preparation of development of the railway lands, a memorandum from the Mayor of To. oup to proposal This property of the plan for the plan for the planted in dated March, ...

of the for for The existing Railway Lands Land-Use Committee, overnment as well as the railways, has served as a setul forum for discussion and the interchange of leas with regard to planning for the ultimate evelopment of the railway lands. However, the size the committee, the mixture of levels of represention on the committee, and undefined relationships tween the activities of the committee and those of tity of Toronto Planning Board, make it difficult for it committee as an effective mechanism for a preparation of detailed development plans for the , the size represente preparation ilway lands. The existing overnment of reportant for the ideas with regarder of the committee the relikery lands.

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opose group be Steering work P. suggested that a new gas the Railway Lands the development of a war a Part II Plan, and to neation of the plan. implementation As a result, it is so established to be known a Group to participate in the program. The creation of a methods for the implement.

and operation following The responsibilities, composition e Steering Group are based on the Ses the н EB o Li

- T should activities of the Steering Group shou: circumvent the normal planning process the responsibilities of the City of nnto and Metropolitan Toronto. onto The and $\overline{}$
- the The planning process for the preparation of a Part II plan should ensure participation of th major affected agencies and organizations in a manner which brings their views to the attertion of both the City Planning Board and the City council before final planning decisions are manner of both Council N
 - for infrastructure development plan public f the d ö planning of the implementation of the complete. The AUSt m

recommendations planning staff, Under the proposed structure, City staff would be responsible for the paration of the Part II plan for the railway lands, together with recommendation for the railway lands, together with recommendation for the railway lands. The City planning staff however, would report first to the Steering Group, acting as a steering committee before reporting to the City Planning Board. This would allow outside agencies represented on the Group to ensure that their views and concerns are clearly stated during the process of plan prepriction. Working with staff of the City, an approved work program and budget would be precased for the conduct of studies necessary for the preparetion of a part II plan. Where external funds are provided for the onduct of studies, appropriate members of for the conduct of studies, appropriate members of accordance with an approved budget on behalf of their own accordance with an approved budget on behalf of their ownerstickers approved by the Group including the use of outside consultants. expendthe 6 14 0 44 of the

To the extent possible, City staff would attempt resolve conflicts with the Group before reporting the Planning Board and City Council. However, where lilicts cannot be resolved, the views of the Group ld accompany all reports of the staff to the Board other words, every report made by the staff to the confar cannents of the Group, thereby ensuring that both Board and the City Council are informed of the itions of agencies represented on the Steering Group. To the extent possible, Cit to the Planning Board and City conflicts cannot be resolved, th would accompany all reports of In other words, every report ma Board related to the railway lan by comments of the Group, therefore itions

pug Staff the Plan, both tl regard for. 日本は日本の u In preparing the Part Steering Group should the

- Objectives s Land-Use The Statement of Goals and Ob adopted by the Railway Lands Committee and City Council.
- Plar icial 0130 Part Toronto 44 1 The City o CV
- transportation with respect to e railway lands. Decisions wi uses of the
- Metro 40 requirements infrastructure nto. The 4
- 5. The economic requirements of the land developers.
- railways the 40 obligations tory rti The

o maximize the effectiveness of the Steering Group mposition should be restricted to representatives see agencies and organizations which have a large in the development of the railway lands from a commercial or planning point of view. Represent their organizations. The use of substitutes entitle organizations. The use of substitutes expanded be discouraged in order to maintain entitle continuous working relationship. It is ended that the composition of the Steering Group include the following (or their senior designates) S 16 Group Ø) view. Repre-to effectively maximize omposition stake in the de either a commen represent their or alternates a an effective of should include those -m 0

- Commissioner of Planning, City of Toronto Assistant Deputy Minister, Ministry of Housing Regional Manager, Governmental & Community Relations, Candolan National General Manager, Operations, Ontario and Manitoba Division, Marathon Realty

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oro independent Chairman be nominated jointly by the Mayor of Toronto, the Chairman of Merro Toronto and Premise of Ontario after consultation with the railways and onconstituted, the Group consider retaining the services of a Group Co-ordinator.

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- affected are properly preparation organizations ששש acci and views 0 int that vie agencies taken ir
- Group and ty Council are adopte the the recommendations of the nembers are available to Ci recommendations planning members ore that its m befor N

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- Suo zatio --bility accountatives te financial a r those agenci work program adequate ded for t provided funding that
- that City staff, working with the Steering Group, will ultimately produce a plan for the railway lands that will meet with minimum opposition at the various approval stages. 4





Railway Lands Steering Group

The Railway Lands Steering Group is an interesting land management model. It has no legislative powers — it is strictly a co-ordinating tool and a forum for consultation. It was created in 1978 following the recommendations of the Wronski-McLaughlin Report. At the time, W. Wronski was the A.D.M. of Housing, Province of Ontario, and S.G. McLaughlin was the Policy Advisor to the Mayor of Toronto.

In 1974 the Metro Centre plan collapsed. This was a public/private joint venture between CN and CP with each company contributing its lands to the corporation and each company participating in a common arrangement. The reason for this development's demise need not be detailed here, but includes high infrastructure costs, unequal holdings, personalities, tactics, etc. The point is, it did. Shortly after that, the Federal Government through the Minister of State for Urban Affairs attempted to work with the City of Toronto to revive and revise a new Railway Lands plan. The Minister of State for Urban Affairs, the Minister of Finance, the Minister of Public Works and the Minister of Transport realized that an intergovernmental approach was required and arranged with the City and the railways to conduct a major study, (\$250,000 from the Federal Government and \$125,000 from each of the two railways). They then met with Mr. William Davis, the Premier of Ontario, asking for his political support. The Premier indicated that the Federal Government had no business in the planning of the Toronto Railway Lands, and that he had made his own arrangements with the railways in which they would cost share with him in a Railway Land Use Group study (\$600,000), and that this group would have no active role until the Province completed its own Toronto transportation terminal study (improvements to GO commuter service). He indicated that the Government of Canada should concentrate its efforts on their own project, Harbourfront, and the barriers between the City and Harbourfront. "Spend your \$250,000 on that project!" As far as the rest of the waterfront was concerned, he felt the Government of Canada had no business there. Discussions ended.

As a result, the Toronto Transportation Terminal Task Force (T.T.T.F.) made their proposals including a massive investment of funds in the rebuilding of the eastern wing of Union Station for a new GO terminal and the construction of a rail/rail grade separation in the Bathurst Street area. The role of the Railway Lands Use Group at that time was simply to monitor the T.T.T.T.F. and ensure that transportation and rail corridor improvements did not prejudice any kind of land use plan for the future. It was very clear that in the view of the Province, land use planning was secondary to the commuter rail requirements. Once the rail corridor improvements were put

In place, the land use study group took precedence and was removed as the Railway Lands Steeling Group.

The original concept was to have a co-ordinating group led by a working chairman who could call together the various levels of government for this time the Federal Government was only an observer) because they saw their only direct interest as Conside Post, since CN was there as a major participant, on its own terms. The working chairman that was selected decided not to take this position and became the Commissioner of Planning and Development for the City of Toronto in 1979. As a result, a slightly different structure was created with o chairman - John Clement, Q.C. and a technical co-ordinator - Warren Sorrenson. It was considered that Mr. Clement would have the ear of the province since he was a previous Attorney-General and Deputy Premier and Mr. Sorrenson who was the Commissioner of Planning for Etobicoke and now a private planning consultant, would have the technical expertise to arrange and co-ordinate whatever studies were required. This group is still in existence and acts as a forum and a "soft" co-ordinating mechanism for discussion, debate and conflict resolution. They are still funded 50% by the Province of Outario (through the Minister of Housing), 25% by CM and 25% by CP/Harathon. They have spent approximately \$500,000, 85% on consultant studies, the balance on administration. Terms of reference are in Appendix . They have no authority other

than the authority to call a meeting. Mhen it was agreed that a detailed development plan should be prepared the committee had authority only to encourage the planning process and to recognize the real authority between CN, Harathon and the City of Toronto (as represented by the Commissioner of Planning and Development). This plan then went through the normal conventional planning approval process as laid out by The Planning Act, including the Ontario Municipal Board appeal process.

In conclusion, the group is a very quiet one and has achieved many things. It was criticized for having no public process (when J. Sewell was Mayor this became an issue) but it did the job effectively. It worked because the Group consisted of very senior officials of the various sectors - the President of CN Real Estate, the Senior Vice President of Harathon, the Provincial A.D.M. and Commissioners from Metro and the City - working under the highest authority. As other issues arose, senior executives of other jurisdictions were made temporary members of the Group, e.g. Transportation or Environment. One could make the argument that this model, expanded to cover the whole waterfront, would work if given additional stall support. It could be the Waterfront Lands Steering Group of the Intergovernmental Waterfront Group, chaired by the province, funded by all levels of government, be represented at a policy

level by senior political leaders, and at a working committee level by senior officials. It would be under the chairmanship of the Premier or a commonly agreed-upon designee and run by a senior official on a full-time basis with staff seconded from the various levels of government, to co-ordinate the work of the various governments and agencies. More importantly, the Group would put together a vision of what is possible while repecting the individual authorities and jurisdictions — a new development plan in the year 2000.





CONCEPTUAL HODEL FOR A PROVINCIAL CAPITAL COMMISSION

The Toronto waterfront area presents major problems as well as immense opportunities for the Federal government in respect of the management of Federal lands. It also presents comparable problems and opportunities to the other levels of povernment. The Province of Ontario, and two Crown corporations. the Ontario Place Corporation and Ontario Hydro have significant land holdings in the area. The Toronto Harbour Commissioners have a substantial land inventory originating with transfers to it from the City of Toronto and the Federal government. Metropolitan Toronto owns significant air rights over metropolitan hiphways including the Gardiner Expressway. The City and Mctropolitan Toronto have extensive infrastructure and regulatory responsibilities. Each level of government appears to have formed or have begun to form the perception that the problems and opportunities are urgent and must be addressed in a co-ordinated way immediately. The time would appear to be ripe for a bold stroke to be taken by all the levels of government to establish a mechanism to provide for inter--kovernmental participation and co-operation in the solution of problems and realization of opportunities in the Toronto waterfront area, and by so doing, achieve more than any level of government could achieve without such co-operation.

The Phase II Report, however, considers the possibility that an intergovernmental agreement will prove to be unfeasible in the short run. It will argue that the Federal government requires a co-ordination vehicle to deal with the management of Federal lands in a strategic and effective manner. Accordingly, the Phase II Report recommends how this may be achieved.

In addition to considering strategic options for the effective management of Federal lands, the Phase II Report examines a range of models or vehicles through which preferred strategic options might be implemented. In the Toronto waterfront area, the models that will be canvassed will include models that are based on the premise that either an intergovernmental agreement will prove to be feasible in the short run or that it wont't. The model outlined below assumes that intergovernmental co-operation will prove to be feasible in the short run. It must be emphasized, however, that it is one of a number of implementation vehicles available if intergovernmental co-operation is possible in the short run.

Toronto is, of course, the capital of Ontario. The Toronto waterfront area includes lands that are potentially of the highest order of economic and developmental significance in

Canada. They are of enormous significance to the Province of Onturio as well as the municipalities and, of course, the Federal government. If an agreement between the Federal and Provincial povernments regarding problems and opportunities to the Toronto area as well as shared objectives which are to be pursued by each level of government in the management of their respective lands in the area is to be made, it could provide for the creation, by the Province, of a planaing, coordinating and development agency which might be styled the "Provincial Capital Waterfront Authority". The Authority would include the representatives from the municipalities as well as the Province. It would, of course, include representatives from the Federal government. Alternatively, there might be on pareement between the Federal government on its own behalf and on behalf of its agencies with the Province and the Provinrial Capital Waterfront Authority respecting the management and development of Federal lands in accordance with the terms of the agreement.

It is possible for this model to be designed as a Provincial vehicle to deal principally with the management of Provincial lands and by agreement with Federal lands as well. It is also possible that by agreement or otherwise, the municipalities concerned might involve the Authority with the management of the development of municipality-owned lands in the Toronto water-

front area

A useful model for the Provincial Capital Waterfront Authority might well prove to be the National Capital Commission. A number of mustions are explored:

The powers of the Authority:

 Should they include planning, development, infrastructure, regulatory as well as land management powers?

The assets of the Authority:

 Mho will contribute and in what shares to the capital and operating assets and funds of the Authority?

The decision making structure and staff organization

The relationship of the Authority to the municipalities and the Provincial planning process

Public involvement through advisory committees or otherwise Continuing financial responsibilities of participating governments

Distribution of surpluses remaining consequent on development

As far as Federal lands in the Toronto waterfront area are concerned, these include lands owned by the Crown in Right of Canada. They also include lands title to which is vested in Crown Corporations including the CBC and the CR.

Finally, they include lands that have been transferred by the Crown in Right of Canada to the Toronto Harbour Commissioners with approval having been given in 1925 by Order-In-Council to the disposition of most of these lands by the Toronto Harbour Commissioners without further approval being required from the Treasury Board. The Phase II Report assumes that on the short run legislation amending the various statutes under which the Crown Corporations and the THC operate will not be enacted. The establishment of an effective strategy for the management of Federal lands will depend upon the use of the Government's powers of persuasion in respect of the Crown Corporations in order to secure their co-operation in the achievement of the broader Federal objectives. The Phase II Report considers whether arrangements should be put in placer under which lands which are surplus to the responsibilities of the Crown Corporations can be identified and put into a pool of lands for development. Under such a proposal, the contributing corporations would not lose the value of the surplus lands so contributed but would retain the right to participate in the proceeds of development.

The Phase II Report also considers recommendations respecting the special position of Harbourfront Corporation and the Toronto Harbour Commissioners. With respect to the latter, specifically, the report will consider whether the 1925 Order-In-Council mentioned above should now be rescinded insofar as it applies to lands which the THC has not disposed of as yet. The report will also consider the work undertaken by the special Harbourfront Policy Review group and articulate the implications of applying broader Federal strategic management objectives.



C



Proposal for a Federal Land Fund

- 1. The preparation and implementation of a Federal plan for the management of all the waterfront lands in which the Federal Government has an interest is in part dependent on the solution to certain institutional problems. One of these problems seems to me to be that individual Crown corporations and the THC each regards itself as the "owner" of the land which is in its custody or which it has either managerial responsibility (Harbourfront Corporation) or title to the land itself (the THC, Canada Post, CBC, CN). Each of these agencies would appear to regard "its" land as a resource accessible to it as a source of revenue to provide support along with appropriations, fees, and other revenues to allow each to pursue its particular mandate. It seems beyond argument that the THC's current land disposals are designed to convert fixed assets into cash to allow it to retire its debt, and then to enable it to get on with the pursuit of its mandate with respect to the operation of the Port of Toronto.
 - 2. If the observations made above have any merit, it would also seem that in disposing of land so as to convert it into revenue financial return to the "owner" (i.e. the agency concerned) is of dominating importance. Harbourfront Corporation would seem to present a more extreme case since part of its mandate is to operate programs at Harbourfront and it's

- objective is to be financially "self-sufficient" (whatever that means) by 1987.
- 3. At the present time, there appears to be no Federal land management strategy except to leave it to the individual agencies concerned to a large extent to determine their own priorities and requirements and the basis on which they will dispose of lands not immediately needed by them as physical elements in the achievement of the objectives of their mandate. A deliberate Federal land management strategy for the waterfront no doubt involves the preparation of a "plan" for the Federal lands in the waterfront. This is a corporate plan if you like rather than a municipal official plan. If a Federal plan for the development of Federal land in the waterfront is to be prepared, it is essential that those lands be planned as if there was a single owner of them rather than several owners with disparate objectives. It is also essential that the plan be based on considerations in addition to the return to the Federal treasury of the maximum amount of immediately paid revenue.
 - 4. A radical change to the present institutional arrange ments under which Crown corporations pursue specific mandates is not likely to be accomplished in the short run. Rather than using the mailed fist legislative compulsion to creute an appropriate planning environment, it seems that another approach could be used, one that would leave the present

institutional arrangements largely or possible even totally in place with one exception. It should be possible in the short run to identify a single "owner", who can formulate a plan and strategy for all Federal lands in the waterfront, a plan that establishes a broad rouge of public objectives; a plan in short that is not rooted on financial considerations as they affect each particular Crown agency.

- 5. If the present institutional arrangements are to remain largely in place, it will be necessary to replace Federal land under the jurisdiction of the Crown agencies with an entitlement to revenue from those lands, revenue perhaps needed in certain cases (e.g. CDC and THC) to augment funds available from other sources to allow the agency to pursue its mandate successfully.
- fo. The proposal is that instead of having all Federal land now under the jurisdiction of Crown agencies including the THC transfer to a new authority whether within a Federal department of a new Crown corporation, a Federal land fund or hank might be established on the following terms:
- (a) The lands of each of the Federal agencies and the THC would be notionally deposited in the new Federal Land Fund.
- (b) The Federal Land Fund would be under the management of perhaps the Executive Director of the Bureau of Real Property Management in the Treasury Board.
- (c) Each agency including the THC would have its land bold-

ings deposited in the Federal Land Fund valued as at the date of the deposit and the share of each depositor in the aggregate value of the lands in the fund at any one time could be established as the proportion that the value of the lands deposited by the particular agency bore to the aggregate value of all the lands placed in the Federal Land Fund at the date of deposit.

- (d) The depositors would not have an unlimited right to call upon the fund to pay out the money equivalent of the lands notionally deposited in the Federal Land Fund. Rather, the Treasury Board would establish annual quotas of draws for each of the depositors. These quotas would have to reflect the availability of revenues achieved from the disposal of Federal lands in the fund and could also reflect the Treasury Board's view of the claims of each of the depositors might best be in priority in the event that all could not be met in a particular year or years. The quotas might also reflect a judgement by the Treasury Board of the time frame within which land values would have been realizable by the agencies concerned if the present institutional arrangements had simply been continued.
- (e) If a particular agency did not draw up to the limits of its quota for a particular year, interest on the amount left in the fund could be earmarked as accruing to the benefit of the particular agency.

- (f) Special transitional arrangements likely would have to be designed so as to minimize disruption of plans by agencies which have development proposals in the works such as CBC.
- (g) The Executive Director of the Bureau of Real Property
 Management might be designated as the person responsible for
 formulating a plan and recommending a strategy in consultation
 with Provincial and Municipal authorities as well as land owners
 within the waterfront area such as Marathon and perhaps certain
 of the industrialists.
- (h) It should be possible for the Municipal government and Provincial government to participate in the land fund and in the establishment of an intergovernmental land management strategy. One way of doing this would be to permit them to make through appropriate intergovernmental agreements, notional deposits of their own lands into the land fund in return for a greater than a consultative role in the formulation of a plan for publicly owned lands. In this event, the land fund might be renamed the Intergovernmental Land Fund.
- 7. The proposal requires considerable elaboration and detail. It would seem to be more attractive than simply establishing a co-ordinating committee to co-ordinate the activities, if possible, of Crown corporations and the relevant Federal authorities. It could be fairly easily demonstrated that the land fund will be worth more in revenue terms than

bank account would suggest. Work would have to be done on this notion as well. Land value is not removed unless either the lands of Crown corporations and the THC were removed from their respective jurisdictions by legislation or if disposals of land were only to be possible by a single Federal Government authority. In either of these two cases no doubt the removal of jurisdiction and/or the removal of the power to control disposal and price would necessitate other sources of Federal funds being made available to the agencies concerned to offset the loss of their ability to convert land as a fixed asset as into cash. Land value could only be removed as a consideration in the formulation of a plan and strategy with respect to Federal lands if other sources of revenue were made available to the agencies impacted.

8. It will be noted that the proposal does not require new legislation. What it does require is an inter-agency agreement with the Federal Government to establish the Federal Land Fund. If, indeed, the establishment of such a fund would produce more benefits for all concerned than the current arrangements, that in itself might be sufficient inducement of the agencies to enter into such an inter-agency arrangement with the Federal Government. If it is not, then changes in the legislation under which the various agencies operate would have to be enacted in order for the proposal to be implemented.

9. The problem that is addressed above is not unlike a problem that is central to land planning and management generally, that is how to avoid having priorities and indeed, the environment determined exclusively on a consideration of financial return to the owner/investor. This was a large question that was explored in the landwark Royal Commission Report leading to the enuciment of the Modern Planning Act in Great Britain, the Uthwalt Committee on compensation and betterment. The proposal is sunlagous to schemes employed in the western provinces to provide for redivision of land that has been wastefully divided by obsolete plans of subdivision, and to an early Humburg experiment in private sector dominated urban redevelopment, an experience that is described in the Uthwalt Committee Report.

10. It is recommended that the BRIM study this proposal in more detail with the affected agencies.



Draft Goals and Objectives

FEDERAL.

Primary

- 1. Protect constitutional interests
- 2. Protect and enhance legitimate service delivery function
- 1. Ensure trusteeship obligations

Secondary

- I. Improved management of land assets
- 2. Improved intergovernmental relations
- A better waterfront

PROVINCIAL

Primary

- 1. Protect constitutional interests
- 2. Protect and enhance legitimate service delivery function
- Ensure trusteeship obligations
- 4. A better waterfront

Secondary

- 1. Improved management of infrastructure investment
- 2. Improved intergovernmental relations
- 3. Affordable housing
- Protect and enhance land assests Ontario Place, OPP, LCBO.

METRO

Primary

- 1. Protect and enhance service delivery functions
- 2. Protect and enhance land assets
- 3. A new and improved CNE

Secondary

- Ensure trusteeship obligations
- 2. A better waterfront
- I. Improved intergovernmental relations

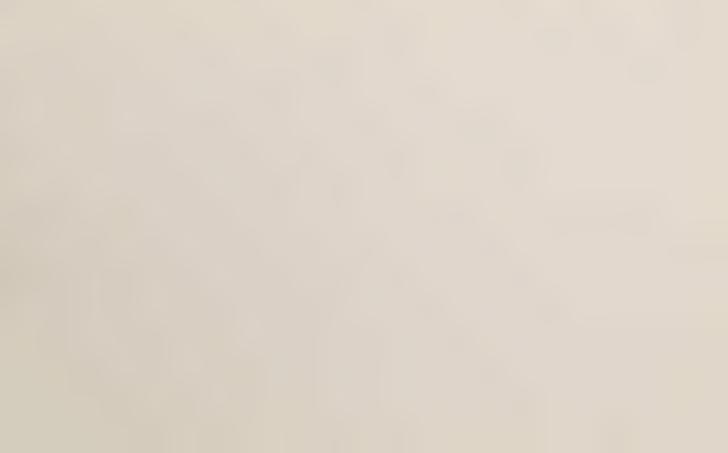
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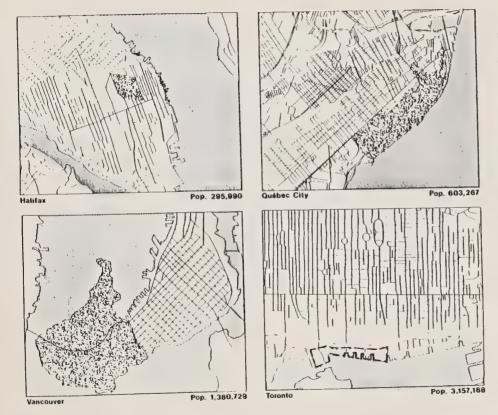
Primary

- I. Protect jurisdictional interests (planning)
- 2. A better waterfront
- 3. Improved intergovernmental relations
- 4. Hore open space
- 5. Affordable housing



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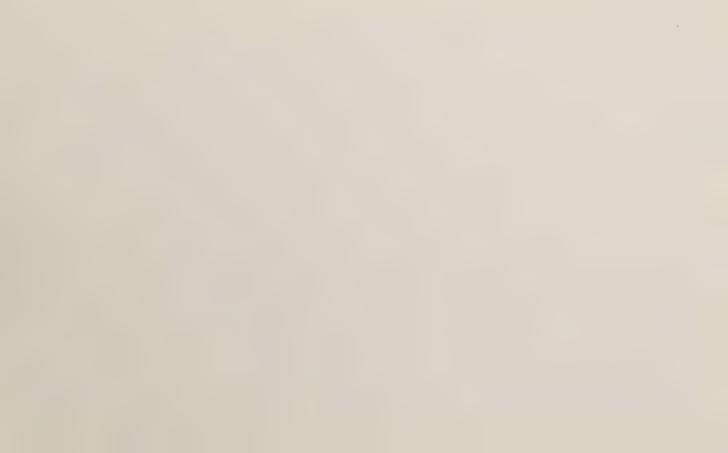




Federal Urban "Parks"

The Government of Canada owns large "parks" or public open spaces in the centre of many Canadian cities. These maps, all at the same scale (1:50,000), compare 4 cities. On a per capita basis, the Federal presence in Toronto is small.





Waterfront choices

Toronto's waterfront is probably the city's greatest natural resource. For years it was neglected, but now development is taking place at a feverish pace and raising fears that a high rise wall will cut the city off from the water.

Some 50 buildings are planned for the federally owned Harbourfront site, for example. But Toronto City Council has made little effort, so far, to get a grip on further development along this 40 hectare (100-acre) tract of "barkland."

At the same time, the Toronto Harbour Commission has sold off one parcel of its 600 hectares (1,500 acres) of prime waterfront land. And it is considering selling or leasing out other parcels. But council hasn't decided what kind of development, if any, it wants on those lands.

Next year, it will be up to council to decide what kind of waterfront it wants. It's not too late.

While almost half the potential Harbourfront development has been completed or approved, there's still time for the city to take a second look at its master plan for the Harbourfront site, between York St. and Stadium Rd. The plan's "flexibility" may have been the key to enticing development — and people— to the once-bleak waterfront. But now that development there has gathered momentum, surely what we need are tougher controls to ensure that we don't get too many highrises.

And, early next year, council is scheduled to debate the four-year-old Central Waterfront Plan. That detailed blueprint was first produced four years ago. It sets out the kinds of development to be allowed on all the waterfront lands from the Leslie St. Spit to the CNE. But it still hasn't been adopted by council.

That plan, along with a careful review of Harbourfront development, is the key to managing and protecting this Valuable natural resource.

Council takes charge

Toronto City Council and Mayor Art Eggleton have demonstrated, at last, that they are determined to take control of waterfront development. Last week council voted to try to scale down two condominium towers, one 38-storey and one 39-storey, to be built by Graywood Developments Ltd. at the foot of York St., just east of Harbourfront.

Graywood already has city approval — dating back to 1969 — to build 487 apartment units on the site. Now it wants to almost double that number to 812 (by cutting the size of each unit in half) But rather than wait for council approval for this change, Graywood went ahead and pre-sold all units. Now, Graywood can put pressure on council to approve the greater number of units by arguing that hundreds of anxious buyers will otherwise be left out in the cold.

Council, to its credit, didn't give in. Instead, it adopted a motion from the mayor to defer the issue for a month to give the city time to work out a compromise with the developer. Alderman Tony O'Donohue says Eggleton "has chosen to take a stand he can't win with this developer." But there's no harm in trying.

THE TORONTO STAR, MONDAY, JUNE 12, 1987

No word until summer on waterfront: Crombie

By Pat McNenly Toronto Star

No decision is likely before summer on whether to set up a super-agency to control the billions of dollars of development on Toronto's waterfront, says federal Minister of State David Crombie

lle was referring to a plan to set up a powerful, crown ourporation-type of agency with representation from the four levels of government and run by a waterfront "czar," to control all federal lands south of Front etc.

These would Include Harbour-Iron; CityPlace, CN Realty's 51 billion-plus redevelopment of Cailway lands; the Toronto Harbor Commission Lands; the downtown site for a new Canadian Broadcasting Corp, headquarter; as well as the Canadian National Exhibition erounds and Omato Place.

Crombie acknowledged in an interview yesterday "there has been lots of discussions with lots of people" about the super-agency but he stressed no determination will be made before for-mer Toronto planning commissioner. Stephen. McLaughlin hands in his report.

McLaughlin was chosen by treasury board president Robert de Cotret to design a plan for the effective management of all federal tands in the Metro

area
McLaughlin said in an interview yesterday that the waterfront super-agency is only "one
of many possibilities" he's been
discussing with senior representatives of the four levels of gov-

At this stage, he doesn't know if he'll recommend the highly-publicized special agency scheme the declined to go into the other options under consideration.

While theorelically Ottava might sell 14s vast holdings, McLaughlin described as "a red herring" a suggestion by Harbourfront director John Parsons that a waterfront carmight be the first step in the federal government's plans to privatize

Until McLaughlin reports, Cromble, a former Toronto mayor, said there is no chance such existing agencies as the Harbour(ront board or the Toronto Harbor Commission with he wined out

Peterson links plans for harbor to Olympics

By Pat McNeuly and Alan Christle Toronto Star

A super agency to control development on Toronto's waterfront may be "part of the grand vision" to bring the 1996 Olympics and a world's fair to Toronto, says Onaxio Premier David Peterson.

Discussions have been under way for months among the different levels of government about creating a powerful agency similar to the New York Port Authority to control billions of dollars of waterfront development.

At present, waterfront planning and development is subject to a myriad of often-conflicting controls by four levels of government and a wide assortment of private interests.

"You've got to think of this in terms of the Olympics, in terms of the world fair. It's got to be part of the grand vision," Peterson said in an interview yesterday

Toronto is actively bidding to get the 1996 Olympic Summer Games held in Metro Consideration is also being given to a Toronto-hid for a world's fair in 2000

Talking stage

Peterson cautioned yesterday the plan for the waterfront superagency is "only at the talking stage and who knows what will happen?"

Earlier yesterday, Peterson said something should be done about the "mish-mash of powers" now in charge of Toronto's waterfront.

He said he'd expressed his concern both to Prime Minister Brian Mulroney and Mayor Art Eggleton about the "real functional problem of having so many jurisdictions" overseeing the waterfront's development.

f'eterson said he doesn't want to see any agency set up "hammering other people," but one that will act as a "consensus body rather than an implementing agency."

But that, he said, might not be easy with so many groups involv-

"That's why it's completely premature to announce anything," he added

The area involved is all the federal owned land south of Front St. the Canadian National Exhibition grounds and Ontario Place.

Wanted: Waterfront czar

Appointing a waterfront czar to kick butts and bust heads makes such eminent good sense, it may never happen.

And that would be a real tragedy because as everyone who can count to three knows, there's big trouble brewing on the waterfront

It's hardly a new idea. Folks were debating the ments of a czar when some of those currently kicking the concept around were still wearing short pants

"The title may have originally been thought up by Marco Polo." said Sun publisher Paul Godfrey, the former Metro chairman frequently mentioned as a candidate for the sob

Marco Polo sounds about right. It was either him

What makes the current debate different is the urgency Unless those in political control move fast, the coming nastiness will make the gunfight at the OK Corral seem like a church social It's already reached the point where you need a

program to sort out who's who among the high rollers and rounders demanding a seat in the big-money poker game

The list of those clamoring for cards includes

The list of those clamoring for cards includes everyone from the little old lady birdwatcher to Prime Minister Brian Mulroney

But without a waterfront czar to deal the cards,

TED WELCH (TED)

keep track of the bets, toss out double dealers and generally keep the game moving, those at the table might as well be wearing blindfolds

By the way, I certainly wouldn't want the job I remember all loo well what happened to the last

guy stuck with the title of czar Let's look at the list of players

For starters, there's Harbourfront — a 90-acre hodgepodge of concrete, towering condos and cultural activities

The federal government recently imposed a development freeze on Harbourfront to sort out how an alleged waterfront park turned into a playpen for wealthy condo owners and shoppers.

Then there's the Toronto Harbor Commission—a combination city-federal group—which handles the port operation. In actual fact, it behaves no differently than most other developers in search of a fact bark.

The city — with Mayor Art Eggleton tied to the tiller — has a major non-financial stake in what happens along the lake

Metro also wants to sit in on the game, since it's responsible for moving folks in and out of the area via expressways and public transit. It also plans to revitalize Exhibition Place.

Of course, CN (federal) and CP Rail (private) have a major stake in the orderly development of the area. The firms are just beginning to proceed with the \$2 billion redevelopment of their land

The province is also a key player because of its interests in the new domed stadium and Ontario Place.

It goes without saying that those involved in Toronto's plan to bid for the 1996 Olympics and the World's Fair 2000 want a voice in how the area is handled.

At least the right people—including provincial and federal officials—can discuss what needs to be done without throwing up or coming to blows. Believe me, that's progress

Some senior city and Metro noses will be out of joint if Ottawa and Queen's Park take away some of their powers and hand them over to a third party

So what? Taxpayers would rather see a few noses bent out of shape than let the waterfront be screwed up for another 150 years.

THE TORONTO SUN, Friday, May 15, 1987



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Harbourfront's history marked by controversies and bickering and by controversies

Controversy is not new to flarbourform. The entire project has
hely an arked by fedding.
In 1972, the Liberal government
was rooking for votes when it
announced an electron-eve "gill"
of about 90 hectares of dereint
watering imprefy for the people
of Metro Toronto.

development will cut city off from lake, parks Politicians fear

Watch out for the battle of Harbourfront II

This is beautiful. The man accompanying this column illustrates a cause worth slunling on for II is a vision of abundant nackland we could have on the waterfront, the ereening of what I'll call Harbourfront II

. The fight over the narkland we have been promised in the original Harbourfront the 90-acre strip between York and Bathurst Streets, has broken down into a three-cornered tug of war involving the City of Toronto liarbourfront and the federal sovernment

1: But we could still get a handsome, spaclous park to the east

. The fight over future development of the port, a sprawling 1,000 acres of sailty neelected industrial land, is about to begin

tio until 10 years ago. Harbourfront used to look much like the part does today, a sinister westeland of watchouses and small, grim factories. Today, Harbourfront, for better or for worse, is rapidly turning into a wall of shiny high-rise condoublings. As Harbourfront lills un, the eyes of developers, planners and politicians are turning eastward to the port. Harbourfront II

The Toronto Harbour Commission owns 750 acres. Metro and the province together own 53 acres and Ontario Hydro owns 75 acres. The remaining 122 acres are nelvalely owned.

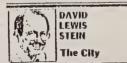
for industries.

That makes excellent sense, In the whole city of Toronto, there are only 2.623 acres of Industrial land - including the port.

If the port turns into office towers and con-luminium blocks, the last factory jobs to Toronto could begin to disappear.

Toronto could turn into a city of office workers, a paper city vulnerable to all the commonic ills that can befall a one sector towers

supports manufacturing in the port, but he over Pick's 120 acres to the city without wants to grab about 120 acres for parkland feeling any pain



- In effect, extending Cherry Beach east

This would eat up some land the planners want to keen near Leslie for light industales (the small overlapping section in the

Essentially though Pirk and the idanners are in agreement. Keep industry in the port and turn 12 per cent of the land Into green space.

Pick says this would be easy to do now because there is nothing much on the site except an oil tank tarm and a believet for forry service out to l'earson International Aluert

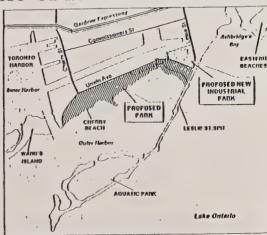
The Toronto Harbour Commission would no doubt scream because the city was taking potentially valuable industrial sites.

But Pick counters that Toronto lurned its waterfront over to the commission back in 1911 without adequate congressation. So why shouldn't the commission return the "City planners say the port should be kept favor now by donating 120 acres to the city for a park?

The commission can no longer complain that it has to sell famil in order to pay off its \$34 million in accumulated debts

In recent years, the commission has sold off lands east of Bathurst, Marine Terminat 27 and made a long term lease arrangement for the site of the World Trade Centre - a complex of condominiums and office

Hy the end of 1987, the commission ought . Toronto Parks Commissioner Herb Pirk to be safely in the black. So it could burn



Harbourfront II? Toronto Parks Commissioner Herb Pick wants the city to mab about 120 acres of little-used industrial land next to Cheuv Beach for a permanent park, which would effectively extend the beach east to Leslie St.

In fact, the commission could even gold from this gift. A well-kept water front park. would make the commission's remaining Industrial land more attractive and much more valuable.

What we really need now is for Mayor Art Eggleton and Toronto City Council to tell Ottawa and the commission that we, the people of Toronte, want that pack

After all as i'mk points out with the railway lands. Harbourfront and other develcoments, 15,000 people will soon be living south of Front St. We need every foot of greenery we can get down there

"I think Pick has bit the cight redition! mament in the history of the waterfront" Toronto Alderman Dale Martin says "This could be the last chance to save waterfront land for the public instead of burning it all over to private interests. I think people are ready to listen to Cirk. His timing is per-

A view from Manitoba:

Avoid Toronto's errors

The following is excerpted from an editorial that appeared in the Winnipeg Free Press on May 13:

Toronto made major mistakes in the Harbourtront development which has now been halted just as it was turning into a disaster. Winnipeg is still thinking about its corresponding project, the East Yard development, and can profit from Toronto's mistakes. This city has enough originality to invent its own mistakes.

Winning Free Press The most obvious mistake on the Toronto water front was too

much height and too much density. The high-rise buildings multiplied and were going to keep multiplying until they would form a forbidding wall, calling to mind the Miami Beach hotel strip and cutting the city oil from its lake. That was never the idea at the start. Harbourfront was supposed to connect the city to the lake.

In response to growing protests from Toronto municipal officials, the federal government this spring reviewed the work of its creature, the Harbourfront Corp., and froze further development in the Harbour (ront lands . . .

The Harbourfront experience deserves to be closely anatomized in search of reasons why it strayed so far from what was esthetically appealing and politically acceptable that the supervising politicians stooped it dead in its tracks. larbourfront officials only last autumn were boasting of their freedom from political interference and bureaucratic red tape. their ability to wheel and deal with private developers and make rapid decisions the way the private sector likes. Those officials now are unemployed or awaiting reassignment. The apparent freedom from political imperatives was an illusion. The public has expectations from a high profile project like Harcourtront or the East Yard and is not shy about expressing them. When the public sees a precious resource destroyed by wneelers and dealers, political considerations come into play and the wheelers suddenly stop dealing

Harbourfront plan is 'flawed' parks boss says

By Dana Flavelle Toronto Star

The public parks plan for Harbourfront is seriously flawed and has to be renegotiated, says Toronto parks commissioner therb Pirk

Only about half the 16 hectares (40 acres) promised in the existing development plan will ever see light, Pirk told a jammed city council chamber last night.

"This open space plan is an illusion," Pirk said, reterring to the master plan for the 414-hectare (1025-acre) site managed by the federally created crown corporation, "Ill doesn't exit."

Pirk called on the city to draft a whole new plan with Har bourfront that takes into account the increasing density of private development on the land south of the Gardiner Expressway hetween York St. and Stadium Rd., just west of Bathurst

No open spaces

"If development continues at its present pace, you won't see these kinds of (open) spaces and neither will your children," Pirk told a meeting of the city's Harbourfront Review Committee.

"Too long cultural programming and rectralismal activities have been tied to development," he said, reterring to the fact that Harbourfront's public programming is paid for with the profits from private development.

But in an Interview outside the council chambers. Harbourfront president Frank Mills flatly rejected Pirk's allegations

"The commissioner of parks is bolting out of the gates," he said angrity. "To take a broad axe to the Harbourfront plan with green thirted classes is wrong."

Cailing Pirk's plan "a winter wasteland" and "hogwash," Mills soid he was not opposed to changing the plan but that Pirk had jumped the gun.

Waterfront's future

The committee, established in response to calls for a freeze on Harbourfront development pending a major review, later heard from more than 50 residents, retailers, developers and other parties with an interest in the future of Toronto's waterfront.

"Why are 30-storey condominiums with units worth up to a quater of a million dollars going up while a nine-storey building with affordable units is being held up?" asked Harris Stein He's one of hundreds of Metro residents who have hought units in a Bathurst Quay project that was to be built this summer. Kristie Heath of Equity Showcase Theatre called for an end to the link between cultural programming and private development.

"I think it (Harbourfront) is overdeveloped at this point and we should be looking at other options," she said

Earlier in the evening, Pirk said the city should begin negotiating with Harboursront immediately to assume title to the public promenade along the waterfront.

He accused Harbourfront of mismanaging the waterfront walkway, citing sidewalk cafes that jutout into the walkway and benches that face the retail shops instead of the lake.

A number of other areas that had been labelled parkland by Harbourfront have actually been put to other uses. Firk charged



Toronto on the lak

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Tornina Jarourcont Corp.

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OCTY Hall.

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Waterfront hopes history have a of being





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TARBOURFRONT PLAN GETS GO AHEAD

91 acre former industrial area along the Toronto waterfront into a people-oriented call for the complete rejuvenation of this Sabinet yesterday approved a \$27 million dollar plan to develop Toronto's The plans, which Cosgrove, Minister Public Works, on the Harbourfront site today (June 13). Harbourfront over the next seven years, announced Paul been endorsed by Toronto City Council, use urban area.

Corporation, under which the Federal Government will make available \$27.53 million A seven year agreement will be signed by Mr. Cosgrove and Harbourfront private investment improvements to the land and to cover operating deficits until is predicted that this will attract over \$200 million of for capital

Lakefront parks and recreation facilities will be emphasized and combined The venture will combine public and private sector investment within restrained Thousands of construction jobs will be created, and by 1987 with low rise, commercial and residential buildings, shops, restaurants and Harbourfront should be operating as a breakeven organization. federal spending.

that Government support now enables Harbourfront to continue to serve the hundreds Mr. Fleming said "the approval means that Coming at the beginning Jim Fleming, Minister of State of Multiculturalism, joined Mr. Cosgrove community and cultural groups in Metro Toronto which use Harbourfront Harbourfront, more than ever, will serve as an amicable meeting place along with Board members and staff of Harbourfront Corporation. of an activity packed summer season," said Mr. Fleming, from classical music to religious festivals. the array of heritages found in Toronto.

Toronto MPs "took a long, hard look at the Plan" and decided to support it "as the In making the announcement, Mr. Cosgrove said that he and a number of Metro support of the four members of Cabinet from Toronto, the Government yesterday gave most logical, beneficial and economic course of action to take." With the full Harbourfront its long-awaited mandare for the future.

cultural and recreational programmes, which by 1987 will be paid for by self-generated The Corporation is also committed to keep up the current level of Marbourfront is committed to economical self-sufficiency at the end of the seven-year term.

groups. Alchough the development and financial goals of the Harbourfront Corporation City Council, the Chairman of Metro Toronto and many private community and business Mr. Cosgrove said that "the Barbourfront Plan has been supported by Toronto the Board of Harbourfront's efforts to rebuild the waterfront in this exciting and are ambitious, the Government is confident that they are feasible and is

""fren Harbourfront was first announced in 1972;" explained Mr. Fleming, "this 24 hours a day, Harbourfront will It's like combining the best aspects of High Park with a Yorkwille by the It has evolved over the years as the most suttable Winter and summer, current plan did not exist. of this strategic location. a1276.

Thomsens in order for Toronso to resapture its waterfront for maximum public enjoyment." Board since 1976, "otherwise the central waterfront of Toronto would have continued There is no doubt that it was a justifiable decision back in 1972 for the Government to act," said Senson Orenstein, voluntary Chaisman of the Harbourfront It took the Government's ability to assemble the land under one ownership and commit to a basic turn-around in dereides condition for years to come.

.e. 1 be nore public space for the use tival the great waterfront cities of Europe with its new atmosphere and public nore people for a larger part of the year than anymners else in Metro. And able to continue and expand the kind of antivities that last year attracted Tarbourfront officials claim that the mixed use plan will mean million people to the size," says General Manager, Howard Cohen. Caciliannes unithin the next five years. "There'll

Soard of Directors. It was underscored in Harbourfront Development Framework report submissed by one Board to the Federal Government in lass 1978 and widely corrulated. The idea of developing Harbourfront as an urban park was first suggested in It was approved in principle in the spring of 1979, but no formal agreement was 1976, which the formation of Marbourfront Corporation and its locally-based

it will be able to finalize a working agreement with the City of Toronto. After nearly a year of discussions and meetings, the City approved a new official plan for Marbourfront in December 1979. Approval for the zoning by-laws necessary to implement that Now that the Corporation has a formal agreement with the Federal Government, Plan are scheduled to come before City Council before the end of June.

The Federal operating grant for Harbourfront for 1980/81 was approved earlier in the year at \$3.5 million. An additional \$2.2 million for development will depend on the level of work which can be organized in the remainder of the fiscal year and could be allocated to either this year's or next year's budget.

213. 364-7127, ext. (416) 364-7127, ext. (416) Howard Cohen, Harbourfront Toronto, Harbourfront Toronto, Fiona McCall, Source:

KEY ELEMENTS OF THE PRANCHURK

- Harbourfront, and will mean that 60% of the land area at Marbourfront will become open space. including a ren-mile dramatic water edge promenade Linking small parks and public planas throughout the site. will criple the amount of park space now available to the public at - 40 acres of parkland and open space,
- take place on approximately 20 acres of the Harbourfrone lands to be leased to the private About 2,500 low-rise apartment units will be built by 1987. Building for both housing and a projected one million square feet of office space will
- 925 offices, stores and restaurants alongside parks, plazas and space for the public, including the public vater edge promenade. The demolitrion of vacant and abandoned industrial buildings on the site. will be replaced by bousing.
- A new street and service system for the entire size incorporating new streets running east and west for easier access to the various elements of the site. and the extension of existing stremts running north and south to let people Strott down to the water edge.
- A bublic marina at the foot of Spadina Avenue.
- Constituention of new parking facilities on the northern part of the sitts.
- The removation of the old Terminal Warehouse building (now called Marbourfront Warenouses) to include views chrough to the lake, as well as opening up ground level for shopping, strolling and dining.

- serve for new marinas and warer-oriented facilities. acres for existing buildings. In addition are 17% 20 acres will be available for new development, with seven acres Of the 74 acres of land comprising Harbourizont, 40 acres will consist of seven acres of waterlors which will for streets and another and open space,
- the \$27.53 million dollars approved, \$10.13 million is for infrastructure: preparation; with the balance of \$7.4 million covering operating deficits for landscaping, the water edge promenade, utilities and services, roads the next seven years.
- The \$20.13 million investment by the Federal Government will attract approximately the Harbourfront project will create approximately 600 jobs per \$200 million from the private sector over the same period in the construction of the proposed development, by Peat Marwick and Partners, estimates that the the economic In addition, a survey of commercial and residential buildings. year on the site itself. construction of
- indirect tax revenues. In addition, Federal income taxes on the direct and indirect million over the Government would expect to receive approximately \$6 million in nec at least \$20 labour and business income would be in the order of entire construction period. The Federal
- One of the first large-scale renovations to take place will be the restoration of the Harbourfront Warehouses, currently in the second Proposal Call stage.

to make the building a lively, people-oriented tourist attraction, with restaurants in the final stages of discussions with four major developers who are planning cost upwards of \$35 million and the Corporation and shopping facilities overlooking the water. The renovation is expected to





Statement of Work -Consulting and Professional Services

OVERALL OBJECTIVE

The objective of the project is to prepare for Ministerial consideration an overall strategy and specific recommendations for the effective management of federal lands in the metropolitian region of Toronto. Recommendations are to include such options as opportunities for privatization and sale and joint venture, assessment of development proposals, assignment of management accountability and resolution of generic real property management issues which have national implications. The strategy and recommendations are to be developed within the overall policy framework that federal real property "be managed so as to maximize the efficient provision of government services and the economic and environmental objectives".

SCOPE

The project will initially include consideration of all federal faula held by departments, agencies and Grown corporations within the metropolitan Toronto region. The method of proceeding shall, however, take into account the existing accountability framework within which Grown corporations operate. At the conclusion of Phase I of the project, specific properties or groups of properties will be identified for more indenth study.

DUTTES

The project will be divided into two phases. Phase I will be completed by January 31, 1987.

- The contractor will meet with senior officials of federal Crown corporations and departments in the Toronto metropolitan region to gather relevant data on federal real property interests.
- The contractor will select a number of key properties for study and request non-agent Grown corporations to identify property holdings on a confidential basis.
- The contractor will identify provincial and municipal povernment issues relevant to real property management.
- The contractor will identify and assess Crown corporation plans, government department needs and plans and identify and describe management and planning issues requiring further review.
- The contractor will prepare a preliminary report to the President of the Treasury Board outlining urgent issues requiring decision or direction before completion of Phase II, issues requiring further study for final report, and a detailed work plan for Phase II.

Phase II will be carried out from January 31, 1987 to Hay 29, 1987 and will be based upon the work plan approved at the end of Phase I.

The contractor's mandate for the review of federal real pro-

perty interests in metropolitan Toronto does not include negotiations on behalf of the federal government.

The contractor shall be free to consult with provincial and local government, business, departmental and Crown corporation officials.



